

REGULATION 5

PERMITS

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RULE 501 GENERAL PERMIT REQUIREMENTS

Adopted 12-08-70
(Amended 05-09-72, 11-12-74, 05-24-77, 06-19-79, 09-21-93, 11-03-94)

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100 GENERAL

101 PURPOSE: To provide an orderly procedure for the review of new sources of air pollution and the orderly review of the modification and operation of existing sources through the issuance of permits. Procedures for issuing, modifying, or renewing Title V permits to operate for stationary sources which are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall also be consistent with the procedures specified in that rule.

110 EXEMPTION, GENERAL: The exemptions contained in this rule shall not apply to an otherwise exempt piece of equipment which is part of a process that requires a permit. An Authority to Construct and Permit to Operate shall not be required for the equipment listed in Sections 111 to 123, unless an emissions unit, is:

110.1 Subject to New Source Performance Standards; or

110.2 Subject to National Emission Standards for Hazardous Air Pollutants; or

110.3 Subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or

110.4 Emits, in levels deemed appropriate for review by the Air Pollution Control Officer (APCO), substances identified as a toxic air contaminant or which are under review pursuant to Health and Safety Code Section 39650 et. seq.; or

110.5 The Air Pollution Control Officer makes a determination that the emission unit may not operate in compliance with the District Rules and Regulations; or

110.6 An emissions unit or stationary source for which emission reduction credits have been requested or granted in accordance with Rule 504, EMISSION REDUCTION CREDITS.

111 EXEMPTION, VEHICLES:

111.1 Vehicles used to transport passengers or freight, but not including any article, machine, equipment or other contrivance mounted on such a vehicle that would otherwise require a permit under the provisions of these rules and regulations.

111.2 Locomotives, airplanes and watercraft used to transport passengers or freight. This exemption shall not apply to equipment used for dredging of waterways or equipment used in pile driving adjacent to or in waterways.

112 EXEMPTION, COMBUSTION AND HEAT TRANSFER EQUIPMENT:

112.1 Internal combustion engines with a manufacturer's maximum continuous rating of 50 brake horsepower or less or gas turbine engines with a maximum heat input rate of 3,000,000 British Thermal Units (Btu) per hour or less at ISO standard day conditions (288 degrees Kelvin, 60 percent relative humidity, and 101.3 kilopascals pressure). The ratings of all engines or turbines used in the same process will be accumulated to determine whether this exemption applies.

112.2 Any combustion equipment that has a maximum heat input of less than 1,000,000 Btu per hour (gross) and is equipped to be fired exclusively with purchased quality natural gas, liquefied petroleum gas or any combination thereof. The ratings of all combustion equipment used in the same process will be accumulated to determine whether this exemption applies.

- 113 EXEMPTION, RESIDENTIAL STRUCTURES:** Equipment utilized exclusively in connection with any structure, when the structure is designed for and used exclusively as a dwelling for not more than four families.
- 114 EXEMPTION, AGRICULTURAL OPERATIONS:** Equipment used exclusively in the growing of agricultural crops, or in the commercial raising of fowl or other animals.
- 115 EXEMPTION, COOLING SYSTEMS AND VACUUM CLEANING:** Refrigeration, air conditioning, ventilating, water cooling towers or vacuum cleaning systems not designed to remove air contaminants generated by equipment which would require a permit under these rules and regulations.
- 116 EXEMPTION, COOLING TOWERS:** Water cooling towers that have a circulation rate of less than 10,000 gallons per minute and which are not used for the cooling of process water, water from barometric jets, or water from barometric condensers.
- 117 EXEMPTION, PLASTICS AND CERAMICS PROCESSING:** Ovens, kilns, or furnaces fired by electricity used exclusively for the heating, curing, softening, or annealing of plastics or ceramics, and not emitting more than 5 pounds of Volatile Organic Compound (VOC) emissions in any one day. This Section shall not apply to ovens used for heating or curing of fiberglass reinforced plastics.
- 118 EXEMPTION, STORAGE AND TRANSFER:** Tanks, reservoirs, vessels or other containers and their associated dispensing, pumping and compression systems used exclusively for the storage of:
- 118.1 Liquefied or compressed gases.
 - 118.2 Unheated organic materials with an initial boiling point of 150 degrees Celsius (302 degrees Fahrenheit) or greater, as determined by the testing procedure specified in Section 501.2, or with an organic vapor pressure of 5 mm Hg (0.1 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3.
 - 118.3 Organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) or less at 20°C, as determined by the testing procedure specified in Section 501.3, having a capacity of 23,000 liters (6076 gallons or less). Equipment used exclusively for the transfer of organic liquids with a vapor pressure of 77.5 mm Hg (1.5 psia) at 20°C to or from storage.
 - 118.4 Unheated solvent dispensing containers of 380 liters (100 gallons) capacity or less.
- 119 EXEMPTION, SURFACE COATING AND PREPARATION:**
- 119.1 Water solution for surface preparation, cleaning, stripping, etching (other than chemical milling) or the electrolytic plating with electrolytic polishing of, or the electrolytic stripping of brass, bronze, cadmium, copper, iron lead, nickel, tin, zinc, and precious metals.
 - 119.2 Surface coating operations using a combined total of one gallon per day or less of coating material and solvent.
 - 119.3 Unheated non-conveyorized solvent rinsing containers or unheated non-conveyorized coating dip tanks of 380 liters (100 gallons) capacity or less.

- 120 EXEMPTION, FOOD PROCESSING:** The following processing equipment for food or other human consumables and exhaust systems or collectors serving exclusively such equipment:
- 120.1 Used in eating establishments for the purpose of preparing food for human consumption.
 - 120.2 Smokehouses in which the maximum horizontal inside cross sectional area does not exceed 2 square meters (21.5 square feet).
 - 120.3 Mixers and blenders used in bakeries.
 - 120.4 Confection cookers.
 - 120.5 Used exclusively to grind, blend or package tea, cocoa, spices, or roasted coffee.
- 121 EXEMPTION, LABORATORY EQUIPMENT:** Laboratory equipment used exclusively for chemical or physical analysis and bench scale tests, including associated vacuum-producing equipment.
- 122 EXEMPTION, REPAIRS AND MAINTENANCE:** Repairs or maintenance not involving changes to any equipment for which a permit has been granted under Section 301 of this rule.
- 123 EXEMPTION, OTHER EQUIPMENT:** Unless subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, other equipment authorized for exemption by the Air Pollution Control Officer and which would emit less than 2 pounds in any 24 hour period of any pollutants without the benefit of air pollution control devices.
- 200 DEFINITIONS:** Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 201 ADMINISTRATIVE PERMIT AMENDMENT:** An amendment to a permit to operate which:
- 201.1 Corrects a typographical error; or
 - 201.2 Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit; or
 - 201.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or
 - 201.4 Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.
- 202 AFFECTED POLLUTANTS:** Reactive organic compounds (ROC), nitrogen oxides (NO_x), sulfur oxides (SO_x), PM₁₀, carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency or the California Air Resources Board.

- 203 ANNIVERSARY DATE:** The day and month of issuance of a permit to operate and that same day and month of each succeeding year.
- 204 APPLICABLE REQUIREMENTS:** Air quality requirements which a facility must comply /pursuant to the District's regulations, codes of California statutory law, the Federal Clean Air Act as amended in 1990 and implementing regulations, other provisions of the United States Code, and the Code of Federal Regulations.
- 205 AUTHORITY TO CONSTRUCT:** A preconstruction permit authorizing construction prior to the starting of construction and conforming to the requirements of Rule 502, NEW SOURCE REVIEW, and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 206 COMMENCE:** As applied to construction, means that the owner or operator has all of the necessary permits or approvals required under State and Federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:
- 206.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time; or
 - 206.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.
- 207 CONTIGUOUS PROPERTY:** Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.
- 208 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass.
- 209 RESPONSIBLE OFFICIAL:** An individual with the authority to certify that a source complies with all applicable requirements, including the conditions of permits issued to sources in accordance with Regulation 5, PERMITS. A "responsible official" means one of the following:
- 209.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
 - 209.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

209.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

209.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

210 STARTUP: means the setting in operation of a stationary source or emission unit for any purpose.

211 STATIONARY SOURCE (SOURCE OR FACILITY): Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as fugitive emissions.

211.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

- a. belong to the same industrial grouping; and
- b. are located on one property or on two or more contiguous properties; and
- c. are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

211.2 Pollutant emitting activities shall be considered as part of the same industrial grouping if:

- a. they belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual; or
- b. they are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

211.3 The emissions within District boundaries of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from cargo carriers are proposed as offsets.

212 TITLE V PERMITS: A permit issued, denied, renewed, amended, or reopened pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Part 70 Code of Federal Regulations, "State Operating Permit Programs".

300 STANDARDS

301 AUTHORITY TO CONSTRUCT: Any person building, erecting, altering or replacing any article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain authorization for such construction from the Air Pollution Control Officer (APCO) as specified in Section 403 of this rule. An authority to construct shall remain in effect until a permit to operate the equipment is granted or denied or the application is canceled. With the exception of Authority to Construct permit(s) for stationary sources or equipment units subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990, and pursuant to

Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the emissions unit(s) shall not commence operation until the Air Pollution Control Officer takes final action to approve the permit. A stationary source or emission unit subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, requirements may commence operation subject to the limitations and restrictions of Rule 507 upon such operation.

301.1 An authority to construct, unless extended or application for a Title V operating permit is submitted, shall expire no later than one year following the construction completion date given by the applicant, or no later than two years following the date of permit issuance, whichever occurs first.

301.2 If a written request to extend the authority to construct is received by the Air Pollution Control Officer prior to the expiration of the authority to construct, an extension may be granted for up to two years if the Air Pollution Control Officer determines that: (1) commencement of construction has occurred, and a good faith effort to complete the project has been made; and (2) the parameters of the project remain the same as in the initial application.

301.3 The Air Pollution Control Officer shall be notified of the anticipated date of initial startup or operation of any permitted article, machine, equipment or other contrivance. Such notice shall be made no less than 30 days prior to the startup date.

301.4 The Air Pollution Control Officer shall be notified of the actual date of initial startup within 5 days after such date.

302 PERMIT TO OPERATE: Any person operating an article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, shall first obtain a written permit from the Air Pollution Control Officer. Stationary sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, must also obtain a Title V permit pursuant to the requirements and procedures of that rule.

303 STANDARDS FOR GRANTING APPLICATIONS:

303.1 The Air Pollution Control Officer shall deny an authority to construct or permit to operate, except as provided in Rule 502, NEW SOURCE REVIEW, if the applicant does not show that every article, machine, equipment or other contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air contaminants, is so designed, controlled, equipped, and operated with such air pollution control equipment that it may be shown to operate without emitting or without causing to be emitted air contaminants in violation of these rules and regulations or of such state or federal statutes as may be enforceable by the Air Pollution Control Officer on the date the application is deemed complete. Permits to operate, and permit amendments, for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and Rule 507, FEDERAL OPERATING PERMIT PROGRAM, must comply with all applicable federal requirements. In addition, the Air Pollution Control Officer shall require the applicant, as a condition of the authority to construct, to comply with the requirements of California Health and Safety Code Part 6, (Section 44300 et. seq.), Air Toxics "Hot Spots" Information and Assessment Act.

303.2 No permit to operate shall be granted, either by the Air Pollution Control Officer or the Hearing Board, for any article, machine, equipment or contrivance, the use of which may cause, eliminate, reduce, or control the issuance of air

contaminants, which has been constructed or installed without authorization as required by Section 301 of this rule, until:

- a. The information necessary to enable the Air Pollution Control Officer to make the determination required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW, and Rule 507, OPERATING PERMIT PROGRAM, for those sources subject to that rule, is presented to the Air Pollution Control Officer; and
- b. Such article, machine, equipment or contrivance, is altered, if necessary, and made to conform to the standards set forth in Section 303 of this rule, elsewhere in these rules and regulations, and in the California Health and Safety Code.

303.3 In acting upon a permit to operate, if the Air Pollution Control Officer finds that the article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, has not been constructed in accordance with the authority to construct, he or she shall deny the permit to operate. The Air Pollution Control Officer shall not accept any further application for a permit to operate the article, machine, equipment, or other contrivance so constructed until he or she finds that the article, machine, equipment or other contrivance has been reconstructed in accordance with the authority to construct.

303.4 The Air Pollution Control Officer shall require enforceable emission limitations as permit conditions in authorities to construct and permits to operate to assure the permanence of surplus actual emissions reductions applied for use as internal reductions or emission reduction credits in accordance with Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSION REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

303.5 The Air Pollution Control Officer shall determine that an applicant for a permit to construct or modify a potential source of air contaminants located within 1,000 feet from the outer boundary of a school has complied with the applicable requirements of California Health and Safety Code Section 42301.6, preparation and distribution of a public notice, prior to approving an application for an authority to construct permit.

303.6 Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable requirements, including applicable provisions of the California State Implementation Plan, District Rules and Regulations, or State or Federal law.

303.7 No permit to operate shall be issued, modified, or renewed for stationary sources which are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, unless the permit contains conditions consistent with those specified in that rule.

304 PROVISION OF SAMPLING AND TESTING FACILITIES: In addition to the monitoring and testing required to comply with State or Federal laws or regulations, the Air Pollution Control Officer may, upon reasonable written notice or before an authority to construct or permit to operate is granted, require the applicant or the owner or operator of any article, machine, equipment, or other contrivance, the use of which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants to:

304.1 Provide and maintain such facilities as are necessary for sampling and testing purposes in order to secure information that will disclose the nature, extent,

quantity or degree of air contaminants discharged into the atmosphere from the equipment in question. In the event of such a requirement, the Air Pollution Control Officer shall notify the applicant in writing of the required size, number and location of sampling holes; the size and location of the sampling platform; the access to the sampling platform; and the utilities for operating the sampling, testing, and air monitoring equipment. Such platform and access shall be constructed in accordance with the applicable General Industry Safety Orders of the State of California.

- 304.2 Provide and maintain sampling and monitoring apparatus to measure emissions of air contaminants when the Air Pollution Control Officer has determined that such apparatus is available and should be installed.
- a. Continuous emission monitoring systems as a minimum shall be installed when required, and to the performance specifications required, by Section 502 of this rule.
 - b. A violation of emission standards of these rules, as shown by the stack-monitoring system, shall be reported by the owner or operator to the Air Pollution Control Officer within 96 hours, or such earlier time as may be required by Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE.
 - c. In the event of a breakdown of monitoring equipment, the owner or operator shall notify the Air Pollution Control Officer within 48 hours and shall initiate repairs. The owner or operator shall inform the Air Pollution Control Officer of the intent to shutdown any monitoring equipment at least 24 hours prior to the event.
 - d. Compliance with Subsection (b) and (c), above, does not exempt the owner or operator from applicable provisions of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, the emergency provisions of Rule 507, OPERATING PERMIT PROGRAM, pursuant to 40 CFR 70.6(g), or the separate reporting requirements of other federal regulations to which the stationary source or emissions unit is subject.
- 304.3 If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the Air Pollution Control Officer may require the installation or modification of process monitoring devices such that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control. To the extent applicable, reporting requirements for process monitors shall be the same as for continuous emission monitoring systems.
- 304.4 A person operating or using a stack monitoring system shall, upon written notice from the Air Pollution Control Officer, provide a summary of the data obtained from such systems. This summary of the data shall be in the form and manner prescribed by the Air Pollution Control Officer. The summary of data shall be available for public inspection at the office of the Air Pollution Control District. Records from the monitoring equipment shall be kept by the owner or operator

for a period of two years, during which time they shall be available to the Air Pollution Control Officer in such form as he or she directs.

304.5 The responsible official of a source using a stack monitoring system and subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall in addition to the requirements of Section 304.4, above, submit data summaries and retain monitoring records in accordance with the applicable federal requirements of that rule.

305 TRANSFER: An authority to construct or permit to operate shall not be transferable, whether by operation of law or otherwise, either from one location to another, from one piece of equipment to another, or from one person to another. In the event any person contemplates or desires to make any such transfer as herein above described, said person shall make an application for authorization in accordance with Section 403 of this rule.

306 PERMIT RENEWAL: Except for Title V permits, which shall be renewed in accordance with Rule 507, FEDERAL OPERATING PERMIT PROGRAM, every permit to operate, except as specified below, shall be renewable annually on the permit's anniversary date, commencing one year after the date of issuance.

306.1 Action to suspend or revoke the permit has been initiated and such action has resulted in a final determination to suspend or revoke the permit by the Air Pollution Control Officer or the Hearing Board and all appeals, or time for appeals, has been exhausted.

306.2 Fees applicable to the renewal of the permit(s) to operate have not been paid, as specified in Regulation 6, FEES.

306.3 The Air Pollution Control Officer shall review every permit to operate upon annual renewal, pursuant to Health and Safety Code Section 42301(c), to determine that permit conditions are adequate to ensure compliance with, and the enforceability of, District Rules and Regulations applicable to the article, machine, equipment, or contrivance for which the permit was issued. Applicable District Rules and Regulations shall include those which were in effect at the time the permit was issued or modified, or which have subsequently been adopted and made retroactively applicable to an existing article, machine, equipment, or contrivance, by the District Board of Directors. During this annual review the Air Pollution Control Officer shall reopen the permit if cause for reopening is discovered for a permit to operate issued pursuant to Rule 507, FEDERAL OPERATING PERMITS PROGRAM. The Air Pollution Control Officer shall revise the conditions, if such conditions are not consistent, in accordance with all applicable District Rules and Regulations.

306.4 The Air Pollution Control Officer may establish an annual permit renewal date for all permits to operate held by a stationary source. Thereafter, permits to operate shall be renewable that same day and month of each succeeding year, subject to any other requirements of these Rules and Regulations and of state law, regarding validity, voiding or revocation of permits.

307 PERFORMANCE TESTING: Within 60 days after achieving the maximum production rate or the maximum rate of emissions to which the source is limited by enforceable conditions, but not later than 180 days after initial startup of such source, or as otherwise required by the Air Pollution Control Officer to determine continuous compliance with emission limitations or to confirm emission reductions claimed, the owner or operator of such source shall conduct performance test(s) in accordance with methods and under

operating conditions as are approved by the Air Pollution Control Officer and furnish the Air Pollution Control Officer a written report of the results of such performance test(s).

307.1 Such test(s) shall be at the expense of the owner or operator.

307.2 Testing shall be conducted with the source(s) of emissions operating at maximum capacity or other rate conforming to the maximum rate of emissions to which the source(s) are limited by enforceable condition(s).

307.3 The Air Pollution Control Officer may monitor such test and may also conduct performance tests.

307.4 The owner or operator of a source shall provide the Air Pollution Control Officer 15 days prior notice of the performance test to afford the Air Pollution Control Officer the opportunity to have an observer present.

307.5 The Air Pollution Control Officer may waive the requirement for performance tests if the owner or operator of a source has demonstrated by other means to the Air Pollution Control Officer's satisfaction that the source is being operated in compliance with all local, State, and Federal regulations which are part of the California State Implementation Plan.

400 ADMINISTRATIVE REQUIREMENTS

401 POSTING: A person who has been granted a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule shall maintain a legible copy of said permit on the premises of the subject equipment. Other information, analysis, plans or specifications which disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged from such source shall be readily available for inspection by the Air Pollution Control Officer.

402 ALTERING OF PERMIT: A person shall not willfully deface, alter, forge, counterfeit, or falsify a permit to operate any article, machine, equipment, or other contrivance described in Section 302 of this rule. A permit amendment or revision requested by the owner or operator, other than an administrative permit amendment or an amendment pursuant to Subsection 306.3, shall require the filing of an application. For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request. The Air Pollution Control Officer shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.

402.1 After designating the permit revisions as an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.

402.2 The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official and for Title V permits to the US Environmental Protection Agency.

402.3 While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution Control Officer determines that the permit can not be revised as an administrative permit amendment.

403 APPLICATIONS: An application for an authority to construct, permit to operate, change of ownership, or an application for a permit amendment, permit reopening, or revision shall be filed in the manner and form prescribed by the Air Pollution Control Officer, and shall give all the information necessary to enable the Air Pollution Control Officer to make the determinations required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW; Rule 504, EMISSION REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

403.1 A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of application forms.

403.2 When the information submitted with the application is insufficient for the Air Pollution Control Officer to make the determination required by Section 303 of this rule, Rule 502, NEW SOURCE REVIEW, by Rule 507, FEDERAL OPERATING PERMITS PROGRAM, for subject sources, and any other applicable rule, regulation, or order, upon the written request of the Air Pollution Control Officer a responsible official shall supplement any complete application with additional information within the time frame specified by the Air Pollution Control Officer.

403.3 A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.

403.4 Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.

403.5 An application for an authority to construct, permit to operate, or permit amendment or revision shall be accompanied by payment of the application filing fee specified in Regulation 6, FEES.

404 ACTION ON APPLICATIONS: The Air Pollution Control Officer shall notify the applicant in writing of his or her approval, conditional approval, suspension, or denial of the application for an authority to construct or permit to operate.

404.1 With the exception of applications of sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, in the event said notification or notification of application completeness pursuant to Rule 502, NEW SOURCE REVIEW, is not received by applicant within 30 days of the filing of the application, or within 30 days of providing further information as required by Section 403, the applicant may, at his or her option, deem the application to construct or permit to operate denied.

404.2 Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service.

404.3 For sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMITS PROGRAM, action on applications for initial operating permits, permit renewal, or permit modification shall be taken in accordance of the provisions of that rule.

- 405 CONDITIONAL APPROVAL:** The Air Pollution Control Officer may issue an authority to construct or a permit to operate subject to conditions which will bring the operation of any article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants or the use of which may eliminate or reduce or control the issuance of air contaminants, within the standards of Section 303 of this rule. The conditions shall be specified in writing. Commencing work under such an authority to construct, or operation under such a permit to operate, shall be deemed acceptance of all the conditions so specified. The Air Pollution Control Officer shall issue an authority to construct or a permit to operate with revised conditions upon receipt of a new application, if the applicant demonstrates that the article, machine, equipment or other contrivance, the use of which may cause the issuance of air contaminants, can operate under the revised conditions within the standards of Section 303 of this rule.
- 406 DENIAL OF APPLICATION:** In the event of a denial of an authority to construct or permit to operate, the Air Pollution Control Officer shall notify the applicant in writing of the reasons therefore. Service of this notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the person(s) served or affidavit of the person making the service. The Air Pollution Control Officer shall not accept a further application unless the applicant has complied with the objections specified by the Air Pollution Control Officer as his or her reasons for denial of the authority to construct or the permit to operate.
- 407 DISCLOSURE:** The Air Pollution Control Officer, at any time, may require from an applicant, or holder of, any permit provided for in these rules and regulations, such information, analyses, plans, or specifications which will disclose the nature, extent, quality, or degree of air contaminants which are, or may be, discharged by the source for which the permit was issued or applied. The Air Pollution Control Officer may require that such disclosures be certified by a professional engineer registered in the State of California. A responsible official representing the owner or operator shall certify the truth, accuracy and completeness of disclosures. Studies necessary to provide such information, shall be at the expense of the owner or operator of the source for which a permit was issued or applied.
- 408 EMISSION STATEMENT:** Upon the request of the Air Pollution Control Officer and as directed by the Air Pollution Control Officer, the owner or operator of any stationary source operation which emits or may emit oxides of nitrogen or reactive organic gas shall provide the Air Pollution Control Officer with a written statement, in accordance with Rule 503, EMISSION STATEMENT, showing actual emissions of oxides of nitrogen and reactive organic gas from that source.
- 409 SUSPENSION:** The Air Pollution Control Officer may suspend a permit if a holder of such permit willfully fails and refuses to furnish information, analyses, plans, and specifications, within a reasonable time, as requested by the Air Pollution Control Officer pursuant to California Health and Safety Code Section 42303, District Rules and Regulations, or any other law, rule, regulation, agreement, or order enforceable by the District. The Air Pollution Control Officer shall serve notice, in writing, of such suspension and the reasons therefor. Service of said notification may be made in person or by mail, and such service may be proved by the written acknowledgment of the persons served or affidavit of the person making the service. The permit shall be reinstated when the Air Pollution Control Officer is furnished with all requested information, analyses, plans, and specifications.
- 410 CANCELLATION OF APPLICATION:** An authority to construct or permit to operate application may be canceled by the Air Pollution Control Officer:
- 410.1 At the request of the applicant; or

410.2 If additional information has been requested of the applicant in accordance with Section 403 without the subsequent submittal of information within a reasonable time.

411 CANCELLATION OF PERMIT TO OPERATE: If, prior to the surrender of the operating permit, the Air Pollution Control Officer determines that the source or the emissions unit has been removed or fallen into an inoperable or un-maintained condition, the Air Pollution Control Officer may notify the owner of the intent to cancel the permit, providing the owner or operator with 30 days to respond. If the owner cannot demonstrate to the satisfaction of the Air Pollution Control Officer that the owner intended to operate again, or the owner does not respond within 30 days from the date a second noticing of the District's intent to cancel the permit is mailed by the District to the owner or operator, then the Air Pollution Control Officer may cancel the permit and deem the source or emissions unit shutdown as of the last known date the source or emissions unit discharged emissions.

411.1 The owner or operator may request an extension of time, in writing prior to the end of the 60 day period following the initial notice, from the Air Pollution Control Officer.

411.2 The Air Pollution Control Officer may grant an extension of time not to exceed 90 days.

411.3 The owner or operator may claim emissions reductions resulting from the shutdown in accordance with the provisions of Rule 504, EMISSION REDUCTION CREDITS, prior to the end of the 60 day period following the initial notice, or prior to the expiration of an extension.

411.4 The Air Pollution Control Officer shall advise, in writing, the owner or operator of the stationary source or emissions unit for which a permit is canceled of the cancellation decision.

411.5 The owner or operator may appeal the decision to cancel the permit pursuant to Section 413 of this rule.

412 TEMPORARY PERMIT: The Air Pollution Control Officer may issue a temporary permit to operate. The temporary permit to operate shall specify a reasonable period of time during which the article, machine, equipment, or contrivance may be operated in order for the District to determine whether it will operate in accordance with the conditions specified in the permit.

413 APPEALS: Within ten days after notice, by the Air Pollution Control Officer, of cancellation, suspension, denial, or conditional approval of an authority to construct, permit to operate, or emissions reduction credit application, the applicant or any other aggrieved person who participated in the permit issuance proceedings may petition the Hearing Board, in writing, for an order modifying or reversing that decision. The Hearing Board after public notice and a public hearing held within thirty days after filing the petition, may sustain or reverse the action of the Air Pollution Control Officer; such order may be made subject to specified conditions.

414 COMPLIANCE DATES: Notwithstanding earlier compliance dates for sources subject to the requirements of Rule 507, OPERATING PERMIT PROGRAM, an application for a permit to operate shall be submitted to the Air Pollution Control Officer by March 21, 1994, for existing equipment constructed prior to September 21, 1993, except:

- 414.1 Existing internal combustion engines constructed prior to September 21, 1993, with a manufacturer's continuous rating of less than 150 brake horsepower and not subject to Section 112.1 shall submit an application for Permit to Operate by September 21, 1994.
- 414.2 Existing boilers constructed prior to September 21, 1993, with a maximum heat input greater than 10,000,000 Btu per hour (gross) shall submit an application for Permit to Operate by September 21, 1994.
- 414.3 Existing boilers constructed prior to September 21, 1993, with a maximum heat input less than 10,000,000 Btu per hour (gross) and not subject to Section 112.2 shall submit an application for Permit to Operate by March 21, 1995.

500 MONITORING AND RECORDS

501 TESTING PROCEDURES:

- 501.1 General Requirements: Except as otherwise specified in the District Rules and Regulations, the State Implementation Plan, and the applicable federal requirements of Rule 507, FEDERAL OPERATING PERMITS PROGRAM, testing methods for determining compliance with emission limits shall be:
 - a. The appropriate methods adopted by the California Air Resources Board and cited in Title 17, California Code of Regulations, Division 3, Subchapter 8, Compliance with Non-vehicular Emission Standards; or
 - b. The appropriate methods of 40 CFR part 50, Appendix M, Recommended Test Methods for State Implementation Plans; or
 - c. Any appropriate method of 40 CFR part 60, Appendix A, Test Methods; or
 - d. An alternative method following review and approval of that method by the California Air Resources Board and US Environmental Protection Agency.
- 501.2 Initial Boiling Point: ASTM D-1078-86, "Test Method for Distillation Range of Volatile Organic Liquids".
- 501.3 Vapor Pressure: ASTM D-2879-86, "Vapor Pressure-Temperature Relation and Initial Decomposition Temperature of Liquids by Isoteniscope".

502 MONITORING: As applicable, each emission source subject to the requirements of Section 301 and 302 shall comply with the following monitoring requirements:

- 502.1 The requirements of Title 40, Code of Federal Regulations, Part 51, Appendix P, Minimum Emission Monitoring Requirements.
- 502.2 The applicable federal requirements for monitoring of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

503 RECORDKEEPING:

503.1 The following records shall be maintained and provided to the Air Pollution Control Officer upon request.

- a. Emissions monitoring and process data records necessary for the determination and reporting of emissions, in accordance with applicable provisions of the District Rules and Regulations, shall be maintained. Records shall be kept for at least two years and shall be kept 5 years for sources subject to the applicable requirements of Title V and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- b. Other records of the nature and amounts of emissions or any other information as may be deemed necessary by the Air Pollution Control Officer to determine whether the stationary source or emissions unit is in compliance with applicable emission limitations, credited emission reductions, exemptions from rule provisions, or other requirements. The information must include emission measurements, continuous emission monitoring system performance testing measurements, performance evaluations, calibration checks and adjustments, maintenance performed on such monitoring systems, and other records and reports required by Title 40, Code of Federal Regulations, Part 51, Appendix P, Minimum Emission Monitoring Requirements.
- c. Operation and maintenance plans shall be submitted to the District for all add-on capture and control equipment for review and approval by the Air Pollution Control Officer. Such plans shall demonstrate, though the use of specific recordkeeping requirements, continuous operation of the add-on control equipment when emission producing operations are occurring. The plan shall also specify records to be kept to document the performance of required periodic maintenance. Records shall be consistent with compliance time frames and employ the most recent US Environmental Protection Agency recordkeeping guidance.

503.2 The Air Pollution Control Officer may require recordkeeping to verify or maintain any exemption.

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RULE 502 NEW SOURCE REVIEW

Adopted 11-12-74
(Amended 05-24-77, 06-19-79, 09-21-93, 11-03-94, 08-09-01)

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100 GENERAL

- 101 PURPOSE:** The purpose of this rule is to provide for the review of new and modified stationary air pollution sources and to provide mechanisms, including emission offsets, by which authorities to construct for such sources may be granted without interfering with the attainment or maintenance of ambient air quality standards.
- 102 APPLICABILITY:** This rule shall apply to all new stationary sources and emissions units and all modifications to existing stationary sources and emissions units which, after construction, emit or may emit any affected pollutants or regulated pollutants to which Rule 507, FEDERAL OPERATING PERMIT PROGRAM, applies. This rule shall not apply to prescribed burning of forest, agriculture or range land; open burning in accordance with District Regulation 3, OPEN BURNING; road construction or any non-point source common to timber harvesting or agricultural practices. Exemptions allowed in this Section shall not be used to exempt any stationary source or modification, which would be subject to review under U.S. Environmental Protection Agency (EPA) regulations or review pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, from permit requirements. The regulations in effect at the time any application for an Authority to Construct is deemed complete shall apply.
- 110 EXEMPTION, EMERGENCY ELECTRICAL GENERATING EQUIPMENT:** Except as otherwise required for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the Air Pollution Control Officer shall exempt an application from the requirements of Sections 302, and 303, if the emissions unit would provide emergency electrical power or if the emissions unit would provide emergency water pumping for flood control or emergency fire fighting and is not a major source or major modification, provided the requirements of Sections 110.1 and 110.2 are met. This exemption shall not apply to emissions units supplying power to a serving utility for distribution on the electric transmission grid nor the operation of standby power sources due to a voluntary reduction in power by the serving utility.
- 110.1 Operation for maintenance purposes of internal combustion engines used solely as a source of emergency electrical power, not otherwise exempt, shall be limited to 100 hours per year, and such maintenance shall be scheduled in cooperation with the District so as to have no adverse air quality impact or shall mitigate by emission offsets or onsite reductions so that there is no net increase in emissions; and
- 110.2 Operation for other than maintenance purposes shall be limited to actual interruptions of electrical power by the serving utility. Operation shall not exceed 24 hours without prior authorization by the Air Pollution Control Officer.
- 111 EXEMPTION, NOTIFICATION REQUIREMENTS:** Except as otherwise required for sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the requirements of Sections 403, 404, 405, and 406.2 relating to notification, publication, and public inspection of Preliminary Decisions; and notification, publication, and public inspection of final action shall not apply if the application is for a new or modified stationary source or emissions unit which does not trigger a requirement for offsets, calculated pursuant to Sections 413, 414 or 415, as applicable.
- 112 EXEMPTION, RELOCATED EQUIPMENT:** The requirements of Sections 302 and 303 shall not apply to relocation of emission units solely within the District and within only on air basin of which the District is part, and the relocation does not result in an increase in

emissions. This exemption is subject to the performance of an air quality analysis pursuant to Section 306.

- 113 EXEMPTION, REPLACEMENT EQUIPMENT:** The requirements of Sections 302 and 303 shall not apply to replacement equipment, providing the replacement does not result in any emissions increase.
- 114 EXEMPTION, TEMPORARY SOURCES:** The requirements of Sections 302 and 303 shall not apply to temporary stationary emission sources, emission units, and portable equipment which will be operated on a temporary basis. This exemption is subject to the performance of an air quality analysis pursuant to Section 306.
- 115 EXEMPTION, RULE COMPLIANCE:** The requirements of Sections 302 and 303 shall not apply to modifications necessary to comply with standards contained in Regulation 2, PROHIBITIONS. This Section shall not apply to modifications in production rate, hours of operation, or other changes or additions to existing equipment not necessary for compliance with standards contained in Regulation 2, PROHIBITIONS.
- 200 DEFINITIONS:** Unless otherwise defined below, the terms used in this rule are defined in Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 201 ACTUAL EMISSIONS:** Measured or estimated emissions which most accurately represent the emissions from an emissions unit. Fugitive emissions associated with the emissions unit shall be included in the actual emissions of the emissions unit.
- 202 ACTUAL EMISSIONS REDUCTIONS:** Reductions of actual emissions from an emissions unit selected for on-site (internal) or off-site (external) emissions offsets. Actual emission reductions shall be calculated, adjusted and certified pursuant to Rule 504, EMISSION REDUCTION CREDITS, or to applicable federal requirements.
- 203 ACTUAL INTERRUPTIONS OF ELECTRICAL POWER:** When electrical service is interrupted by an unforeseeable event.
- 204 ACTUAL OPERATING DAYS:** Any day of operation which results in the emission of an affected pollutant from the emissions unit.
- 205 AFFECTED POLLUTANTS:** Reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (SOx), PM10, carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency or the California Air Resources Board.
- 206 AMBIENT AIR QUALITY STANDARDS:** State and federal ambient air quality standards for the purpose of submittal to the US Environmental Protection Agency for inclusion in the California State Implementation Plan. All references in this rule to Ambient Air Quality Standards shall be interpreted as National Ambient Air Quality Standards.
- 207 BEST AVAILABLE CONTROL TECHNOLOGY (BACT):**
- 207.1 For any emissions unit the most stringent of:
- a. The most effective emission control device, emission limit, or technique, singly or in combination, which has been required or used for the type of equipment comprising such an emissions unit unless the applicant

demonstrates to the satisfaction of the Air Pollution Control Officer that such limitations required on other sources have not been demonstrated to be achievable.

- b. Any alternative basic equipment, fuel, process, emission control device or technique, singly or in combination, determined to be technologically feasible and cost-effective by the Air Pollution Control Officer.
- c. For replacement equipment only, the emission limitation that is based on the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source.

207.2 In making a BACT determination for nonattainment pollutant the Air Pollution Control Officer may consider the overall effect on other nonattainment pollutants. In some cases the lowest emission rates may be required for one or more nonattainment pollutants at the cost of not achieving the lowest emission rate for other nonattainment pollutants. The Air Pollution Control Officer shall discuss these considerations in the Preliminary Decision prepared pursuant to Section 403.

207.3 Under no circumstances shall BACT be determined to be less stringent than the emission control required by an applicable provision of district, state or federal laws or regulations unless the applicant demonstrates to the satisfaction of the Air Pollution Control Officer that such limitations are not achievable.

208 CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): The California Environmental Quality Act, Public Resources Code, Section 21000, et seq.

209 CARGO CARRIERS: Cargo carriers are trains dedicated to a specific source.

210 COMMENCE: As applied to construction, means that the owner or operator has all necessary permits or approvals required under State and Federal air quality control laws, District Rules and Regulations, and those air quality control laws and regulations which are part of the California State Implementation Plan, and has:

210.1 Begun, or caused to begin, a continuous program of on-site construction of the source, to be completed in a reasonable time, or;

210.2 Entered into binding agreements or contractual obligations which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

211 COMPLETE APPLICATION: Completeness of an application for an authority to construct a new or modified emission unit shall be evaluated on the basis of a list of required information which has been adopted by the District pursuant to Article 3, Sections 65940 through 65944 of Chapter 4.5 of Division 1 of Title 7 of the California Government Code as they exist on the date on which the application is received and on payment of the appropriate fee pursuant to Rule 601, PERMIT FEES.

212 CONSTRUCTION: Means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions.

- 213 CONTIGUOUS PROPERTY:** Two or more parcels of land with a common boundary or separated solely by a public roadway or other public right-of-way.
- 214 COST-EFFECTIVE:** A cost per unit of emissions reduction which is lower than or equivalent to the maximum unit costs of the same emission reduction through the use of Best Available Control Technology, calculated in current year dollars, in accordance with methodology and criteria specified in guidelines developed by the District.
- 215 ELECTRICAL POWER PLANT:** An electrical generation facility that regularly generates electricity so the local electric utility can provide its daily energy requirements. Emergency electrical generating equipment are not considered electrical power plants.
- 216 EMISSION DECREASE:** Any modification which would result in an emission decrease of actual emissions. The emission decrease shall be calculated by subtracting the proposed emissions from the historic actual emissions.
- 217 EMISSIONS LIMITATION:** One or a combination of permit conditions specific to an emissions unit which restricts its maximum emissions, at or below the emissions associated with the maximum design capacity. An emissions limitation shall be:
- 217.1 Contained in the latest authority to construct and contained in or enforceable by the latest permit to operate for the emission unit, and;
 - 217.2 Enforceable on a daily basis or quarterly basis pursuant to Section 407.2, and;
 - 217.3 Established pursuant to a permitting action occurring after December 31, 1976. Emission limitations should be stated in a manner consistent with testing procedures. Emission limitations may be expressed as enforceable design, operational, or equipment standard pursuant to Section 407.3.
- 218 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass.
- 219 FUGITIVE EMISSIONS:** Those emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening. Fugitive hazardous air pollutant emissions shall be considered when determining whether a source is a major stationary source pursuant to Title V of the Federal Clean Air Act as amended in 1990 and Rule 507, FEDERAL OPERATING PERMIT PROGRAM. The fugitive emissions of a source shall not be considered in determining whether it is a major stationary source pursuant to Title V, unless the source belongs to one of the following categories of stationary sources listed in 40 CFR 70.2, "Definitions", "Major Source" (2).
- 220 HALOGENATED HYDROCARBONS:** For the purposes of this rule, halogenated hydrocarbons are the following:
- 220.1 1,1,1-trichloroethane
 - 220.2 methylene chloride
 - 220.3 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
 - 220.4 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
 - 220.5 trichlorofluoromethane (CFC-11)
 - 220.6 dichlorodifluoromethane (CFC-12)
 - 220.7 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
 - 220.8 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
 - 220.9 chloropentafluoroethane (CFC-115)

- 220.10 pentafluoroethane (HFC-125)
- 220.11 1,1,2,2-tetrafluoroethane (HFC-134)
- 220.12 tetrafluoroethane (HFC-134a)
- 220.13 1,1-dichloro-1-fluoroethane (HCFC-141b)
- 220.14 1-chloro-1,1-difluoroethane (HCFC-142b)
- 220.15 1,1,1-trifluoroethane (HFC-143a)
- 220.16 chlorodifluoromethane (HCFC-22)
- 220.17 trifluoromethane (HFC-23)
- 220.18 1,1-difluoroethane (HFC-152a)
- 220.19 The following four classes of perfluorocarbon compounds:
 - a. Cyclic, branched, or linear, completely fluorinated alkanes.
 - b. Cyclic, branched, or linear, completely fluorinated ethers, with no unsaturations.
 - c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
 - d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds

221 HAZARDOUS AIR POLLUTANT (HAP): Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).

222 HISTORIC ACTUAL EMISSIONS:

- 222.1 For applications for emissions reductions deemed complete after September 21, 1993, "historic actual emissions" are the actual emissions for the existing emissions unit averaged over the consecutive two year period immediately preceding the date of application for emission reduction credits. If the last two years are unrepresentative of normal source operations as determined by the Air Pollution Control Officer, then any two consecutive years of the last five years that represent normal source operation may be used.
- 222.2 For applications for emissions reductions deemed complete prior to September 21, 1993, "historic actual emissions" are either as calculated in Subsection 222.1, above, or, at the option of the applicant and with the approval of the Air Pollution Control Officer, are the actual emissions for the existing emissions unit averaged over the three year period immediately preceding the date of application for emission reduction credits.
- 222.3 If, at any time during the two or three year period, actual emissions exceeded allowed or permitted emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if the unit were in compliance with all applicable limitations and rules.
- 222.4 Where an emissions unit has been in operation for less than two years, a shorter averaging period of at least one year may be used, provided that the averaging period is representative of the full operational history of the emissions unit. If less than one year has passed since the date of issuance of the permit to operate then the historic actual emissions shall be zero.

- 223 HISTORIC POTENTIAL EMISSIONS:** Emissions based on the potential to emit of the emissions unit prior to modification. In determining the potential to emit, daily emissions limitations shall be treated as part of an emissions unit's design only if the limitations are representative of normal operations, or if the facility has provided offsets from previous permitting actions. If there are no enforceable limiting conditions, an emissions unit's potential to emit shall be limited to the unit's historical actual emissions. For a new emissions unit historic potential emissions are equal to zero. For the purposes of the above determination, "normal operations" is defined as the usual or typical daily operating of an emissions unit resulting in actual emissions which are at least 80% of the specific limits contained in the emission unit's authority to construct or permit to operate.
- 224 LAKE TAHOE AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60113 (b), the basin includes that portion of Placer County within the drainage area naturally tributary to Lake Tahoe including said Lake, plus that area in the vicinity of the head of the Truckee River described as follows: commencing at the point common to the aforementioned drainage area crestline and the line common to Townships 15 North and 16 North, Mount Diablo Base and Meridian (M.D.B. & M.), and following that line in a westerly direction to the northwest corner of Section 3, Township 15 North, Range 16 East, (M.D.B. & M.), thence south along the west line of Sections 3 and 10, Township 15 North, Range 16 East, M.D.B. & M., to the intersection with the drainage crestline, thence following the said drainage area boundary in a southwesterly, then northeasterly direction to and along the Lake Tahoe Dam, thence following the said drainage area crestline in a northeasterly, then northwesterly direction to the point of beginning. This Air Basin is delineated on an official map on file at the California Air Resources Board Headquarters Office.
- 225 MAJOR STATIONARY SOURCE:** A stationary source which emits or has the potential to emit: 50 tons per year (tpy) or more of nitrogen oxides, 50 tons per year or more of reactive organic compounds, 100 tons per year or more of carbon monoxide, 100 tons per year or more of PM10, 100 tons per year of sulfur oxides, 100 tons per year of any regulated pollutant or levels specified by the U.S. Environmental Protection Agency pursuant to the Federal Clean Air Act of 1990, Section 112(a)(1). In addition, any physical change occurring at a stationary source not otherwise qualifying as a major stationary source, which would constitute a major stationary source by itself makes the source a major stationary source. For the purposes of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, a major stationary source also includes any source which emits or has a potential to emit 10 tpy of one HAP or 25 tpy of two or more Hazardous Air Pollutants (HAPs), as listed pursuant to Section 112(b) of the Federal Clean Air Act, or any lesser quantity threshold promulgated by the US Environmental Protection Agency.
- 226 MAJOR MODIFICATION:** Modification to a major stationary source which results in an increase in the potential to emit greater than: 25 tons per year of nitrogen oxides, 25 tons per year of reactive organic compounds, 100 tons per year of carbon monoxide, 40 tons per year of sulfur oxides, or 15 tons per year of PM10 aggregated with all other increases in potential to emit over the period of five consecutive years before the application for modification, and including the calendar year of the most recent application.
- 227 MODIFICATION:** Any physical change, change in method of operation (including change in fuel characteristics), addition to, or any change in hours of operation, or change in production rate of, which:

227.1 For an emissions unit:

- a. would necessitate a change in permit conditions, or;

- b. is not specifically limited by a permit condition, or;
- c. results in an increase, a decrease, or no change in emissions which are not subject to an emissions limitation.

227.2 For a stationary source: is a modification of its emissions unit, or addition of any new emissions unit.

227.3 The following shall not be considered a modification:

- a. A change in ownership.
- b. Routine maintenance and repair.
- c. A reconstructed stationary source or emissions unit which shall be treated as a new stationary source or emissions unit, not as a modification.
- d. The addition of a continuous emission monitoring system.

228 MOUNTAIN COUNTIES AIR BASIN: Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60111 (I), the Mountain Counties Air Basin includes all of Placer County except that portion included in the Lake Tahoe Air Basin, defined by 17 CCR 60113(b), and that portion included in the Sacramento Valley Air Basin, defined by 17 CCR 60106(k).

229 NONATTAINMENT POLLUTANT: Any pollutant as well as any precursors of such pollutants which has been designated "nonattainment" by the US Environmental Protection Agency in the Federal Register, or which has been designated nonattainment by the California Air Resources Board pursuant to Section 39607 of the Health and Safety Code.

230 PM10: Particulate matter with an aerodynamic diameter smaller than or equal to a nominal 10 microns as measured by an applicable reference test method or methods found in Article 2, Subchapter 6, Title 17, California Code of Regulations (commencing with Section 94100).

231 PORTABLE EQUIPMENT: Equipment which is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous 12 month period.

232 POTENTIAL TO EMIT: The maximum daily physical and operational design capacity to emit an air pollutant during each calendar quarter. Any limitation on the physical or operational design capacity, including emission control devices and restrictions on hours of operation, or on the type, or amount of material combusted, stored, or processed, may be considered as part of the design only if the limitation, or the effect it would have on emissions, is incorporated into the Authority to Construct as an enforceable permit condition as daily emissions limitations. Fugitive emissions associated with the emissions unit or stationary source shall be included in the potential to emit of the emissions unit or stationary source.

233 PRECURSOR: A pollutant that, when emitted into the atmosphere, may undergo either a chemical or physical change which then produces another pollutant for which an ambient air quality standard has been adopted, or whose presence in the atmosphere will contribute to the violation of one or more ambient air quality standards. The following

precursor-secondary air contaminant relationships shall be used for the purposes of this rule:

<u>Precursor</u>	<u>Secondary Air Contaminant</u>
Reactive Organic Compound	a. Photochemical oxidants (Ozone) b. Organic fraction of PM10
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Nitrogen Oxides	a. Nitrogen dioxide b. Nitrate fraction of PM10 c. Photochemical oxidants (Ozone)
-----	-----
Sulfur Oxides	a. Sulfur dioxide b. Sulfates c. The sulfate fraction of PM10
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- 234 PRIORITY RESERVE BANK:** A depository for preserving emission reduction credits pursuant to Rule 505, PRIORITY RESERVE.
- 235 PROPOSED EMISSIONS:** Emissions based on the potential to emit for the new or modified emissions unit.
- 236 QUARTERLY:** Calendar quarters beginning in January, April, July, and October.
- 237 QUARTERLY EMISSIONS LIMITATION:** One or a combination of permit conditions specific to an emissions unit which restricts its maximum emissions, in pounds per quarter, at or below the emissions associated with the maximum design capacity. A quarterly emissions limitation must be:
- 237.1 Contained in the latest authority to construct and contained in or enforceable by the latest permit to operate for the emission unit, and
- 237.2 Enforceable on a quarterly basis, and
- 237.3 Established pursuant to a permitting action occurring after December 31, 1976.
- 238 REACTIVE ORGANIC COMPOUND:** Any compound containing carbon except: methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and halogenated hydrocarbons.
- 239 RECONSTRUCTED SOURCE:** Any stationary source or emissions unit undergoing physical modification where the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new stationary source or emissions unit. Fixed capital cost means that capital needed to provide all the depreciable components. A reconstructed source shall be treated as a new stationary source or emissions unit.
- 240 REDUCED SULFUR COMPOUNDS:** The sulfur compounds hydrogen sulfide, carbon disulfide and carbonyl sulfide.
- 241 REGULATED AIR POLLUTANT:** A "regulated air pollutant" is any pollutant: 1) which is emitted into or otherwise enters the ambient air, and 2) for which the State or the US Environmental Protection Agency has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

- 241.1 Oxides of nitrogen and volatile organic compounds;
- 241.2 Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Federal Clean Air Act;
- 241.3 Any pollutant subject to a new source performance standard promulgated pursuant to Section 111 of the Federal Clean Air Act;
- 241.4 Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the Federal Clean Air Act; and
- 241.5 Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including:
 - a. Any pollutant listed pursuant to Section 112(r) of the Federal Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
 - b. Any HAP subject to a standard or other requirement promulgated by the US Environmental Protection Agency pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) of the Federal Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Federal Clean Air Act.
 - c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the US Environmental Protection Agency promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to Section 112(g)(2) of the Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual source for which the emissions limitation determination was made.

242 REPLACEMENT EQUIPMENT:

- 242.1 Functionally Identical Replacement: The replacement of or modification of emission unit(s) where the replacement unit serves the identical function as the unit(s) being replaced, and the maximum rating and the potential to emit any pollutant will not be greater from the new or modified emissions unit(s) than the replaced unit(s), when the emissions unit(s) are operated at the same permitted conditions.
- 242.2 Identical Replacement: The total or partial replacement of an emissions unit where the replacement is the same as the original unit in all respects except for serial number.

- 243 SACRAMENTO VALLEY AIR BASIN:** Established pursuant to Section 39606 of the Health & Safety Code of the State of California and as described in Title 17, California Code of Regulations, Section 60106(k), the basin includes that portion of Placer County which lies west of Range 9 east, Mount Diablo Base and Meridian (M.D.B. & M.).

244 STATIONARY SOURCE (SOURCE OR FACILITY): Any building, structure, facility, or emissions unit which emits or may emit any affected pollutant directly or as fugitive emissions.

244.1 Building, structure, facility, or emissions unit includes all pollutant emitting activities which:

- a. belong to the same industrial grouping, and;
- b. are located on one property or on two or more contiguous properties, and;
- c. are under the same or common ownership, operation, or control or which are owned or operated by entities which are under common control.

244.2 Pollutant emitting activities shall be considered as part of the same industrial grouping if:

- a. they belong to the same two-digit standard industrial classification code under the system described in the 1987 Standard Industrial Classification Manual, or;
- b. they are part of a common production process. (Common production process includes industrial processes, manufacturing processes and any connected processes involving a common material.)

244.3 The emissions within District boundaries of cargo carriers associated with the stationary source shall be considered emissions from the stationary source to the extent that emission reductions from cargo carriers are proposed as offsets.

245 TEMPORARY SOURCE: Temporary emission sources such as pilot plants, and portable facilities which will be terminated or located outside the District after less than a cumulative total of 90 days of operation in any 12 continuous months, and the emissions resulting from the construction phase of a new source.

246 TOTAL REDUCED SULFUR COMPOUNDS: The sulfur compounds hydrogen sulfide, methyl mercaptan, dimethyl sulfide and dimethyl disulfide.

300 STANDARDS

301 BEST AVAILABLE CONTROL TECHNOLOGY: An applicant shall apply Best Available Control Technology to a new emissions unit or modification of an existing emissions unit, except cargo carriers, for each emissions change of an affected pollutant, which would have an increase in emissions, according to procedures specified in Section 410, and the potential to emit of the new or modified emissions unit which equals or exceeds the levels specified in Section 301.1. A condition which reflects BACT in a manner consistent with testing procedures, such as ppmv NO_x, g/liter VOC, or lbs/hr shall be contained in the latest authority to construct and permit to operate.

301.1	<u>Pollutant</u>	<u>lb/day</u>
	Reactive organic compounds	10
	Nitrogen oxides	10
	Sulfur oxides	80
	PM10	80
	Carbon monoxide	550
	(Continued on the next page.)	

<u>Pollutant</u>	<u>lb/day</u>
Lead	3.3
Vinyl chloride	5.5
Sulfuric acid mist	38
Hydrogen sulfide	55
Total reduced sulfur compounds	55
Reduced sulfur compounds	55

302 OFFSET REQUIREMENTS, GENERAL:

302.1 An applicant shall provide offsets for the affected pollutant, except as provided in Section 304, obtained pursuant to Rule 504, EMISSION REDUCTION CREDITS, or Rule 505, PRIORITY RESERVE, for new and modified sources where the cumulative emission changes of reactive organic compounds, nitrogen oxides, sulfur oxides, PM10 or carbon monoxide calculated pursuant to Section 411 or 412 exceed the level specified in Section 302.1.a, below. Sufficient offsets shall be provided, from the same calendar quarter as the emissions, to offset positive emissions changes of reactive organic compounds, nitrogen oxides and carbon monoxide (except as provided in Section 302.2 and Sections 302.7 and 302.8, respectively) calculated according to procedures specified in Section 414. Sufficient offsets shall be provided, from the same calendar quarter as the emissions, to offset positive emissions changes of sulfur oxides and PM10 (except as provided in Section 302.9 and 302.10, respectively) calculated according to procedures specified in Section 415. Facilities shall be required to curtail operations if sufficient offsets are not obtained as required by permit conditions. Except as provided for in Section 304, emission offsets used to mitigate emission increases must be of the same pollutant type. The facility is ultimately responsible for ensuring offsets.

a.	<u>Pollutant</u>	<u>pounds per quarter</u>
	Reactive organic compounds	7,500
	Nitrogen oxides	7,500
	Sulfur oxides	12,500
	PM10	7,500
	Carbon monoxide	7,500

302.2 Offsets for increases in carbon monoxide shall not be required if the applicant, using an air quality modeling analysis prepared pursuant to Section 402, demonstrates to the satisfaction of the Air Pollution Control Officer that the increase in ambient concentration does not exceed 500 micrograms per cubic meter, 8 hour average, at or beyond the property line of the stationary source.

302.3 In no case shall halogenated hydrocarbons be used as offsets for reactive organic compounds, nor shall exempt compounds or other compounds excluded from the definition of reactive organic compounds be used as offsets for reactive organic compounds.

302.4 Portable equipment shall be evaluated for offsets at the initial location only. In the event such portable equipment is shutdown, emission reduction credits shall be granted based on the emissions calculated at the initially permitted location. If operated a cumulative total of less than 90 days within a continuous 12 month period, at all locations within the District and in any air basin of which the District is a part, the portable equipment is considered a temporary source.

302.5 Except as allowed by Section 412.1 for sources which have provided full offsets of total suspended particulate (TSP), the PM10 emissions from an existing

stationary source shall be recalculated from the TSP emission increases and decreases which have occurred since December 31, 1976, using PM10 emission factors. When PM10 emission factors do not exist assume 50% of the TSP is PM10.

- 302.6 Offsets can only come from regions with the same air quality designations or worse designations than that of the emissions unit or stationary source requiring the offsets.
- 302.7 Emission reductions of reactive organic compounds or nitrogen oxides during the quarters starting April 1 or July 1 may be used to offset positive emission changes of the same pollutants during any calendar quarter.
- 302.8 Emission reductions of carbon monoxide during the quarters starting January 1 or October 1 may be used to offset positive emission changes of carbon monoxide during any calendar quarter.
- 302.9 Emission reductions of PM10 during the quarters starting January 1 or October 1 may be used to offset positive emission changes of PM10 during any calendar quarter.
- 302.10 Emission reductions of sulfur oxides during any quarter may be used to offset positive emission changes of sulfur oxides during any calendar quarter.

303 LOCATION OF OFFSETS AND OFFSET RATIOS:

- 303.1 Except as provided in Subsections 303.2 and 303.3, and Section 304, an applicant shall provide offsets for emissions from a proposed stationary source subject to the requirements of Section 302 according to the following ratios and requirements as a minimum:

Location of Offset	Offset Ratio	
	Non-Attainment Pollutants	Other Affected Pollutants
Same Source	1.0 to 1.0	1.0 to 1.0
Within 15-Mile Radius and within the District	1.2 to 1.0	1.1 to 1.0
Within 15-Mile Radius outside the District, but within the same air basin	1.3 to 1.0	1.2 to 1.0
Greater than 15-Mile but within 50-Mile Radius and within District	2.0 to 1.0	1.2 to 1.0
Greater than 15-Mile but within 50-Mile Radius and outside the District, but within the same air basin	2.1 to 1.0	1.3 to 1.0
More than 50-Mile Radius and within the same air basin	Greater than 2.1 to 1.0	Greater than 1.3 to 1.0

- 303.2 Offsets obtained from locations not satisfying the location criteria of Subsection 303.1, other than offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of at least 1.2 to 1.0. An air quality analysis pursuant to Section 306 shall be performed. The Air Pollution Control Officer may impose, based on the air quality analysis, a higher offset ratio such that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard.
- 303.3 Applicants providing offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of 1.0 to 1.0 for all pollutants at all distances except for major stationary sources. Major stationary sources providing offsets obtained pursuant to Rule 505, PRIORITY RESERVE, shall be subject to an offset ratio of 1.2 to 1.0 for all pollutants at all distances.
- 303.4 Offsets which are obtained pursuant to Sections 302 and 303 and pursuant to permitting actions in a district other than that in which the proposed source is located may be used only if the Air Pollution Control Officer has reviewed the permit conditions issued by the other district in which the proposed offsets are obtained and certifies that the impact of using such offsets meet the requirements of the District Rules and Regulations. Emission reduction credits used to offset project emissions in another district shall be implemented through an interdistrict agreement to ensure their enforceability and permanence pursuant to California Health and Safety Code Section 40709.6.

304 INTERPOLLUTANT OFFSETS: The Air Pollution Control Officer may approve interpollutant offsets for precursor pollutants on a case by case basis, provided that the applicant demonstrates through the use of an air quality model that the emission increases from the new or modified source will not cause or contribute to a violation of an ambient air quality standard. In such cases, the Air Pollution Control Officer shall impose, based on an air quality analysis, offset ratios greater than the requirements of Section 303. Interpollutant offsets between PM10 and PM10 precursors may be allowed only if PM10 precursors contribute significantly to the PM10 levels that exceed the PM10 ambient standards. PM10 emissions shall not be allowed to offset nitrogen oxides or reactive organic compound emissions in ozone nonattainment areas, nor be allowed to offset sulfur oxide emissions in sulfate nonattainment areas.

305 EMISSION REDUCTIONS, SHUTDOWNS AND CURTAILMENTS: Actual emission reductions from a shutdown or curtailment of permitted emission units may be credited for the purposes of banking and offsets pursuant to Rule 504, EMISSION REDUCTION CREDITS, provided:

- 305.1 Application is made for emission reduction credits.
- 305.2 The crediting and disbursement of emission reductions from source shutdowns and curtailments shall be in accordance with the most current US Environmental Protection Agency emissions trading policy and applicable federal regulations.
- 305.3 Emissions decreases are ensured and documented by enforceable emission limitations contained in the permit to operate, or emissions decreases are ensured by the permanent surrender or cancellation of the permit to operate.

306 AMBIENT AIR QUALITY STANDARDS: In no case shall emissions from the new or modified stationary source, prevent or interfere with the attainment or maintenance of any applicable ambient air quality standard, except as provided in Section 302.2. The Air Pollution Control Officer may require the use of an air quality model to estimate the effects of a new or modified stationary source. The analysis shall estimate the effects of

a new or modified stationary source, and verify that the new or modified stationary source will not prevent or interfere with the attainment or maintenance of any ambient air quality standard. In making this determination the Air Pollution Control Officer shall take into account the mitigation of emissions through offsets pursuant to this rule and the impacts of transported pollutants on downwind pollutant concentrations. The Air Pollution Control Officer may impose, based on an air quality analysis, offset ratios greater than the requirements of Section 303.

307 DENIAL, FAILURE TO MEET STANDARDS: The Air Pollution Control Officer shall deny any authority to construct or permit to operate if the Air Pollution Control Officer finds that the subject of the application would not comply with the standards set forth in District, state, or federal rules or regulations. Stationary sources and emission units are required to curtail operations corresponding to the extent that required offsets are not obtained, or are not permanently maintainable. The owner or operator of the stationary source or emissions unit requiring offsets has the ultimate responsibility for ensuring offsets are real, surplus, permanent, and quantifiable.

308 CEQA APPLICABILITY: All proposed new and modified sources for which an authority to construct must be obtained from the District shall be reviewed in accordance with the requirements of CEQA, including, but not limited to, alternative siting and benefits analysis.

309 DENIAL, FAILURE TO MEET CEQA: The Air Pollution Control Officer shall deny any authority to construct or permit to operate if the Air Pollution Control Officer finds that the subject of the application would not comply with the standards set forth in CEQA.

400 ADMINISTRATIVE REQUIREMENTS

The following administrative requirements in Sections 401-415 shall apply to any activities regulated by this rule, except for the review of power plants over 50 megawatts. Power plants over 50 megawatts shall be subject to the review requirements of Section 416, and applicable requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM. Stationary sources which are subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall be permitted in accordance with the procedures specified in that rule, in addition to the requirements of this Section which are consistent with Rule 507.

401 COMPLETE APPLICATION: With the exception of applications for initial permit to operate, permit renewal, or a significant modification for stationary sources subject to the requirements of Title V of the Federal Clean Air as amended in 1990 and Rule 507, FEDERAL OPERATING PERMITS, the Air Pollution Control Officer shall determine whether the application is complete no later than 30 days after receipt of the application, or after such longer time period that the applicant and the Air Pollution Control Officer have agreed in writing. If the Air Pollution Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin. Completeness of an application or a re-submitted application shall be evaluated on the basis of the information requirements set forth in District regulations (adopted pursuant to Article 3, 65940 through 65944 of Chapter 4.5 of Division I of Title 7 of the California Government Code) as they exist on the date on which the application or re-submitted application was received, on the CEQA-related information which satisfies the requirements of the District's CEQA Guidelines, and the applicable requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM. The Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

- 402 AIR QUALITY MODELS:** All air quality models used for the purposes of this rule shall be consistent with the requirements provided in the most recent edition of US Environmental Protection Agency "Guidelines on Air Quality Models, OAQPS 1.2-080" unless the Air Pollution Control Officer finds that such model is inappropriate for use. After making such finding the Air Pollution Control Officer may designate an alternate model only after allowing for public comment, and only with concurrence of the US Environmental Protection Agency. Credit shall not be given for stacks higher than that dictated by good engineering practice. All modeling costs associated with the siting of a stationary source shall be borne by the applicant.
- 403 PRELIMINARY DECISION:** Except as provided in Section 111, following acceptance of an application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with all applicable district rules and regulations and make a preliminary written decision as to whether a permit to construct should be approved, conditionally approved, or denied. When the District is the CEQA Lead Agency for a project, the Air Pollution Control Officer shall not issue a preliminary decision until the draft Environmental Impact Report or Negative Declaration is available for public review. The decision shall be supported by a succinct written analysis.
- 403.1 The Air Pollution Control Officer shall transmit to the California Air Resources Board and the US Environmental Protection Agency its preliminary written decision and analysis for sources subject to Sections 301, 302, 303, and 306 no later than the date of publication as required in Section 404. For initial permits to operate, renewal of permits, significant and minor permit modifications, and reopenings for cause of sources subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), and pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the proposed decision, analysis, public notice, and draft permit if applicable, shall be sent to the US Environmental Protection Agency for a 45 day review period.
- 404 PUBLICATION AND PUBLIC COMMENT:** Except as provided in Section 111, within ten calendar days following a preliminary decision pursuant to Section 300, Standards, of this rule, the Air Pollution Control Officer shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the Air Pollution Control Officer, noting how the pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication. For initial permits to operate, renewal of permits, significant permit modifications, and reopenings for cause of sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, public notice shall be given pursuant to the requirements of that rule.
- 405 PUBLIC INSPECTION:** Except as provided in Section 111, the Air Pollution Control Officer shall make available for public inspection at the District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the date the notice of the preliminary decision is published, pursuant to Section 404. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code. Further, all such information shall be transmitted no later than the date of publication to the California Air Resources Board and the US Environmental Protection Agency regional office, and to any party which requests such information. For initial permits to operate, renewal of permits, significant permit modifications, and reopenings for cause of sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, written notice, the proposed permit, and upon request, the District's analysis, shall be provided to interested parties or agencies pursuant to the requirements of that rule.

406 AUTHORITY TO CONSTRUCT, FINAL ACTION:

- 406.1 Within 180 days after acceptance of an application as complete, the Air Pollution Control Officer shall take final action on the application after considering all written comments.
- 406.2 Notwithstanding this 180-day limit, the Air Pollution Control Officer shall not take final action for any project for which an Environmental Impact Report (EIR) or a Negative Declaration is being prepared until a final EIR for that project has been certified or a Negative Declaration for that project has been approved, and the Air Pollution Control Officer has considered the information in that final EIR or Negative Declaration. The Air Pollution Control Officer shall take final action on the application within whichever of the following periods of time is longer:
- a. Within 180 days after the certification of the final EIR or approval of the Negative Declaration, or
 - b. Within 180 days of the date on which the application was determined complete by the Air Pollution Control Officer.
- 406.3 Except as provided in Section 111, the Air Pollution Control Officer shall provide written notice of the final action to the applicant, the US Environmental Protection Agency, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation and shall make the notice and all supporting documents available for public inspection at the District's office.

407 REQUIREMENTS, AUTHORITY TO CONSTRUCT AND PERMIT TO OPERATE:

- 407.1 General Conditions: As a condition for the issuance of an authority to construct and a permit to operate, the Air Pollution Control Officer shall require that the emissions unit and stationary source, and any emissions units which provide offsets, be operated in the manner stated in the application in making the analysis required to determine compliance with this rule, and as conditioned in the authority to construct.
- 407.2 Emissions Limitations: All of the following emissions limitations shall be included on the authority to construct and permit to operate, if applicable.
- a. The authority to construct and permit to operate shall include emission limitations which reflect Best Available Control Technology. Such condition(s) shall be expressed in a manner consistent with testing procedures, such as ppmv NO_x, g/liter VOC, or lbs/hr.
 - b. A quarterly emissions limitation for each affected pollutant for which offsets are being provided pursuant to Section 302.1 shall be contained in the authority to construct and permit to operate.
 - c. A daily emission limitation shall be contained in the authority to construct and permit to operate for all affected pollutants for which offsets are not being provided pursuant to Section 302.1, or when required to be consistent with ambient air quality standards.
 - d. Electrical power plants shall also contain a quarterly emissions limitation for operation of increased power plant operation needed to compensate for reduced operation at other power plant(s) within the District due to emergency breakdown, pursuant to Rule 404, UPSET CONDITIONS,

BREAKDOWN, OR SCHEDULED MAINTENANCE, and regularly scheduled maintenance.

- e. Permits to operate for sources subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, shall contain all applicable federal requirements in addition to the applicable limitations of (a), (b), (c), and (d), above.

407.3 Design, Operational, or Equipment Standards: If the Air Pollution Control Officer determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of a numerical emission standard infeasible, the Air Pollution Control Officer may instead prescribe a design, operational, or equipment standard. In such cases, the District shall make its best estimate as to the emission rate that will be achieved and shall specify that rate in required submissions to the US Environmental Protection Agency. Any permits issued without an enforceable numerical emission standard must contain enforceable conditions which assure that the design characteristics or equipment will be properly maintained, or that the operational conditions will be properly performed, so as to continuously achieve the assumed degree of control.

407.4 Offsets:

- a. Except as provided in Section 407.4.b, below, the operation of any emissions unit or stationary source which provides offsets shall be subject to enforceable permit conditions, containing specific emissions and operational limitations, to ensure that the emission reductions shall be provided in accordance with the provisions of this rule and shall continue for the reasonably expected life of the proposed emissions unit or stationary source.
- b. Where the source of offsets is not required to obtain an authority to construct or a permit to operate pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS, and Rule 504, EMISSION REDUCTION CREDITS, a written contract or a functional equivalent as determined by the Air Pollution Control Officer shall be required between the applicant and the owner or operator of such source, which contract, by its terms, shall be enforceable by the Air Pollution Control Officer. For sources subject to federal NSR requirements, in the absence of federally enforceable conditions, the execution of a source specific SIP revision is required.
- c. An internal emission offset will be considered enforceable if it is made a State Implementation Plan (SIP) requirement by inclusion as a condition of the new source permit and the permit is forwarded to the US Environmental Protection Agency.
- d. Except as provided in Section 407.4.b, external offsets must be made enforceable either by revision of an offsetting source's authority to construct and permit to operate or by submittal of a SIP revision to US Environmental Protection Agency prior to the operation of the emissions unit. The revised permit shall be forwarded to the US Environmental Protection Agency. The SIP revision submittal shall be submitted to the California Air Resources Board to be forwarded to the US Environmental Protection Agency as part of the State Implementation Plan.

- e. A violation of the emission limitation provisions of any contract pursuant to 407.4.b, above, shall be a violation of this rule by the applicant.
- f. The operation of any emissions unit or stationary source which uses offsets provided by another emissions unit or stationary source shall be subject to enforceable permit conditions, containing specific emissions and operational limits, to ensure that the emission reductions are used in accordance with the provisions of District rules and shall continue for the reasonably expected life of the proposed emissions unit or stationary source.
- g. For sources subject to federal requirements, the permanence of emissions reductions may be demonstrated by federally enforceable changes in source permits or applicable District regulations to reflect a reduced level of allowable emissions.

408 ISSUANCE, PERMIT TO OPERATE: The Air Pollution Control Officer shall issue a permit to operate an emissions unit subject to the requirements of this rule if it is determined that any offsets required as a condition of an authority to construct or amendment to a permit to operate will commence not later than the initial operation of the new or modified source, and that the offsets shall be maintained throughout the operation of the new or modified source which is the beneficiary of the offsets. Further, the Air Pollution Control Officer shall determine that all conditions specified in the authority to construct have been complied with or will be complied with by the dates specified on the authority to construct. Such applicable conditions shall be contained in the permit to operate. Where a new or modified stationary source is, in whole or in part, a replacement for an existing stationary source on the same property, the Air Pollution Control Officer may allow a maximum of 90 days as a startup period for simultaneous operation of the existing stationary source and the new source or replacement. For initial permits to operate, renewal of permits, significant permit modifications, and reopenings for cause of sources subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, permit issuance shall comply with the requirements and procedures of that rule.

409 REGULATIONS IN FORCE GOVERN: An authority to construct shall be granted or denied based on Best Available Control Technology and offset requirements of Sections 301 and 302 in force on the date the application is deemed complete as defined in Section 211. In addition, the Air Pollution Control Officer shall deny an authority to construct for any new stationary source or modification, or any portion thereof, unless:

- 409.1 Compliance with District Rules: The new source or modification, or applicable portion thereof, complies with the provisions of this rule and all other applicable district rules and regulations; and
- 409.2 Certification of Compliance: The owner or operator of the proposed new or modified source has certified that all existing major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in California which are subject to emission limitations are in compliance, or on an expeditious schedule for compliance, with all applicable emission limitations and standards.

410 CALCULATION OF EMISSIONS BACT: The emissions change for a new or modified emissions unit shall be calculated by subtracting historic actual emissions from proposed emissions. Calculations shall be performed separately for each emissions unit for each calendar quarter.

- 411 CALCULATION OF EMISSIONS - OFFSETS TRIGGER FOR ROC, NOX AND CO:** The potential to emit for each calendar quarter for a stationary source shall be the sum of the potential to emit, including fugitive emissions, for all emissions units based on current permits to operate and authorities to construct where permits to operate have not been issued, the pending application and banked emission reduction credits obtained after September 21, 1993, from emissions units installed before September 21, 1993, and after December 31, 1976.
- 412 CALCULATION OF EMISSIONS - OFFSET TRIGGER FOR SOX AND PM10:** Except as provided in Sections 412.1 and 412.2, the cumulative emissions increases for each calendar quarter for a stationary source shall be the sum of emissions from Sections 412.3, 412.4, and 412.5 for each calendar quarter, expressed in terms of pounds per day.
- 412.1 An application for a modification, deemed complete after September 21, 1993, to an emissions unit or stationary source, constructed or whose application is deemed complete prior to September 21, 1993, and which had provided full offsets for total suspended particulate matter emissions occurring after December 31, 1976 but before September 21, 1993, those total suspended particulate matter emissions shall not be recalculated as PM10. However, all subsequent increases in PM10 emissions must be offset.
- 412.2 Except as provided in Section 412.5, any emissions increase represented by an authority to construct or permit to operate which has been canceled or has expired and any emission reduction credits surrendered to the District shall not be included in the cumulative emissions increase calculation pursuant to Section 413.
- 412.3 The potential to emit for all emissions units installed after December 31, 1976 based on current permits to operate or authorities to construct where permits to operate have not been issued, including the pending application being reviewed.
- 412.4 All emission increases from the modification to emissions units installed prior to December 31, 1976 and modified after December 31, 1976 as determined by procedures specified in Section 411 or procedures specified in Rule 502 at the time of modification.
- 412.5 Emission reduction credits obtained pursuant to Rule 504, EMISSION REDUCTION CREDITS, after December 31, 1976, from emissions units installed after December 31, 1976.
- 413 CALCULATION OF EMISSIONS - OFFSETS GENERAL:** The emissions change for a new or modified emissions unit shall be calculated by subtracting historic potential emissions from proposed emissions. Calculations shall be performed separately for each pollutant and each emissions unit for each calendar quarter. Negative emissions changes shall be processed under the procedures specified in Rule 504, EMISSION REDUCTION CREDITS, and Rule 507, FEDERAL OPERATING PERMIT PROGRAM, for early Hazardous Air Pollutant reductions satisfying the requirements of Section 112(l)(5) of the Federal Clean Air Act as amended in 1990.
- 414 CALCULATION OF EMISSIONS - OFFSETS REQUIRED FOR ROC, NOX AND CO:** The cumulative net emissions increase pursuant to Section 413 for a stationary source shall be the sum of emissions from each of the following for each calendar quarter expressed in terms of pounds per quarter.
- 414.1 The potential to emit including associated fugitive emissions, not previously offset, for all emissions units installed after September 21, 1993, based on

current permits to operate and authorities to construct, where permits to operate have not been issued, and the pending application.

- 414.2 All emission increases, including associated fugitive emissions, not previously offset, from the modification to emissions units installed before September 21, 1993, but modified after September 21, 1993, as determined by procedures specified in 413 or pursuant to calculation procedures specified in Rule 502, NEW SOURCE REVIEW, at the time of the modification.

Any emissions increase represented by an authority to construct or permit to operate which has been canceled or has expired shall not be included in the cumulative emissions increase calculation.

- 415 CALCULATION OF EMISSIONS - OFFSETS REQUIRED FOR SOX AND PM10:** The cumulative net emissions increase pursuant to Section 413 for a stationary source shall be the sum of emissions from each of the following for each calendar quarter expressed in terms of pounds per quarter.

- 415.1 The potential to emit including associated fugitive emissions, not previously offset, for all emissions units installed after September 21, 1993, based on current permits to operate or authorities to construct where permits to operate have not been issued, including the pending application being reviewed.

- 415.2 All emission increases including associated fugitive emissions, not previously offset, from the modification to emissions units installed before September 21, 1993, but modified after September 21, 1993, as determined by procedures specified in Section 413 or pursuant to calculation procedures specified in Rule 502, NEW SOURCE REVIEW, at the time of the modification.

Any emissions increase represented by an authority to construct or permit to operate which has been canceled or has expired shall not be included in the cumulative emissions increase calculation.

- 416 POWER PLANTS:** This section shall apply to all power plants proposed to be constructed in the District and for which a Notice of Intention (NOI) or Application for Certification (AFC) has been accepted by the California Energy Commission.

- 416.1 Within 14 days of receipt of a Notice of Intention, the Air Pollution Control Officer shall notify the Air Resources Board and the California Energy Commission of the District's intent to participate in the Notice of Intention proceeding. If the District chooses to participate in the Notice of Intention proceeding, the Air Pollution Control Officer shall prepare and submit a report to the California Air Resources Board and the California Energy Commission prior to the conclusion of the non-adjudicatory hearing specified in Section 25509.5 of the California Public Resources Code. That report shall include, at a minimum:

- a. a preliminary specific definition of Best Available Control Technology for the proposed facility;
- b. a preliminary discussion of whether there is substantial likelihood that the requirements of this rule and all other District regulations can be satisfied by the proposed facility;
- c. a preliminary list of conditions which the proposed facility must meet in order to comply with this rule or any other applicable district regulation.

The preliminary determinations contained in the report shall be as specific as possible within the constraints of the information contained in the Notice of Intention.

- 416.2 Upon receipt of an Application for Certification for a power plant, the Air Pollution Control Officer shall conduct a determination of compliance review. This determination shall consist of a review identical to that which would be performed if an application for a permit to construct had been received for the power plant. If the information contained in the Application for Certification does not meet the requirements of this rule, the Air Pollution Control Officer shall, within 20 calendar days of receipt of the Application for Certification, so inform the California Energy Commission, and the Application for Certification shall be considered incomplete and returned to the applicant for re-submittal.
- 416.3 The Air Pollution Control Officer shall consider the Application for Certification to be equivalent to an application for a permit to construct during the determination of compliance review, and shall apply all provisions of this rule which apply to applications for a permit to construct.
- 416.4 The Air Pollution Control Officer may request from the applicant any information necessary for the completion of the determination of compliance review. If the Air Pollution Control Officer is unable to obtain the information, the Air Pollution Control Officer may petition the presiding Commissioner of the California Energy Commission for an order directing the applicant to supply such information.
- 416.5 Within 180 days of accepting an Application for Certification as complete, the Air Pollution Control Officer shall make a preliminary decision on:
- a. whether the proposed power plant meets the requirements of this rule and all other applicable district regulations, and;
 - b. in the event of compliance, what permit conditions will be required including the specific Best Available Control Technology requirements and a description of required mitigation measures.

The preliminary written decision under Section 414.5 shall be treated as a preliminary decision under Section 403 of this rule, and shall be finalized by the Air Pollution Control Officer only after being subject to the public notice and comment requirements of Sections 403 and 404. The Air Pollution Control Officer shall not issue a determination of compliance for the power plant unless all requirements of this rule are met.

- 416.6 Within 240 days of the filing date, the Air Pollution Control Officer shall issue and submit to the California Energy Commission a determination of compliance or, if such a determination cannot be issued, shall so inform the California Energy Commission. A determination of compliance shall confer the same rights and privileges as an authority to construct only when and if the California Energy Commission approves the Application for Certification, and the California Energy Commission certificate includes all conditions of the determination of compliance.
- 416.7 Any applicant receiving a certificate from the California Energy Commission pursuant to this section and in compliance with all conditions of the certificate shall be issued a permit to operate by the Air Pollution Control Officer. If subject to the requirements of Title V of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.), the applicant must comply with the applicable requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

500 MONITORING AND RECORDS

501 RECORDKEEPING: The following records shall be maintained for two years and shall be provided to the Air Pollution Control Officer upon request.

501.1 Emergency Electrical Generating Equipment: Records of operation for maintenance purposes, for actual interruptions of power.

501.2 Portable and Temporary Equipment: Records of operating location and corresponding dates of operation.

502 RECORDKEEPING FOR SOURCES SUBJECT TO RULE 507: The recordkeeping requirements for sources subject to Rule 507, FEDERAL OPERATING PERMITS PROGRAM, shall include all of the requirements of that rule in addition to the separate recordkeeping requirements of applicable federal requirements.

RULE 503 EMISSION STATEMENT

Adopted 09-21-93

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100 GENERAL

101 PURPOSE: To establish the requirements for the submittal of emission statements from specified stationary sources pursuant to the requirements of the 1990 amendments to the Federal Clean Air Act [Section 182 (a)(3)(B)].

102 APPLICABILITY: The requirements of this rule are applicable to every stationary source permitted by the District which has actual emissions or potential in excess of ten (10) tons or more per year of volatile organic compounds or oxides of nitrogen.

110 EXEMPTION, WAIVER: The Air Pollution Control Officer may waive the requirement to provide an emission statement for any class or category of stationary sources which emit (based on actual emissions for the twelve months prior to the reporting period requested) less than twenty-five (25) tons per year, but more than ten (10) tons per year of volatile organic compounds or oxides of nitrogen, pursuant to the requirements of Section 401.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW.

201 ACTUAL EMISSIONS: Measured or estimated emissions which most accurately represent the emissions from an emissions unit. Fugitive emissions associated with the emissions unit shall be included in the actual emissions of the emissions unit.

202 AFFECTED POLLUTANTS: For the purposes of this rule only, volatile organic compounds (VOC) and oxides of nitrogen (NOx) are the affected pollutants.

203 RESPONSIBLE OFFICIAL: An individual, who is responsible for the completion and certification of the emission statement, and who accepts legal responsibility for the emission statement's accuracy. "Responsible official" means one of the following:

203.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

- a. The facilities employ more than 250 persons or have gross annual sales; or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
- b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer (APCO);

203.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively; or

203.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or

203.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and Rule 507, FEDERAL OPERATING PERMITS PROGRAM.

204 VOLATILE ORGANIC COMPOUNDS: Compounds which contain at least one atom of carbon, except:

- 204.1 Methane
- 204.2 Carbon dioxide
- 204.3 Carbon monoxide
- 204.4 Carbonic acid
- 204.5 Metallic carbides or carbonates
- 204.6 Ammonium carbonate
- 204.7 1,1,1-trichloroethane
- 204.8 Methylene chloride
- 204.9 2,2-dichloro-1,1,1-trifluoroethane (HCFC-123)
- 204.10 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
- 204.11 Trichlorofluoromethane (CFC-11)
- 204.12 Dichlorodifluoromethane (CFC-12)
- 204.13 1,1,1-trichloro-2,2,2-trifluoroethane (CFC-113)
- 204.14 1-chloro-1,1-difluoro-2-chloro-2,2-difluoroethane (CFC-114)
- 204.15 Chloropentafluoroethane (CFC-115)
- 204.16 Pentafluoroethane (HFC-125)
- 204.17 1,1,2,2-tetrafluoroethane (HFC-134)
- 204.18 Tetrafluoroethane (HFC-134a)
- 204.19 1,1-dichloro-1-fluoroethane (HCFC-141b)
- 204.20 1-chloro-1,1-difluoroethane (HCFC-142b)
- 204.21 1,1,1-trifluoroethane (HFC-143a)
- 204.22 Chlorodifluoromethane (HCFC-22)
- 204.23 Trifluoromethane (HFC-23)
- 204.24 Difluoroethane (HFC-152a)
- 204.25 The following four classes of perfluorocarbon compounds:
 - a. Cyclic, branched, or linear, completely fluorinated alkanes.
 - b. Cyclic, branched, or linear, completely fluorinated ethers, with no unsaturations.
 - c. Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations.
 - d. Sulfur-containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

Perfluorocarbon compounds will be assumed to be absent from a product or process unless a manufacturer or facility operator identifies the specific individual compounds (from the broad classes of perfluorocarbon compounds) and the amounts present in the product or process and provides a validated test method which can be used to quantify the specific compounds.

300 STANDARDS

301 EMISSION STATEMENT REQUIREMENTS:

- 301.1 Except as provided in Section 110, the owner or operator of any stationary source which emits oxides of nitrogen or volatile organic compounds shall provide the District with a written emission statement showing actual emissions of volatile organic compounds and oxides of nitrogen from that source.
- 301.2 The emission statement shall be on a form or in a format specified by the Air Pollution Control Officer and shall contain the following information:
 - a. Information contained in the California Air Resources Board's Emission Inventory Turn Around Document as described in Instructions for the Emission Data System Review and Update Report; and

- b. Actual emissions of volatile organic compounds and oxides of nitrogen, in tons per year, for the calendar year prior to the preparation of the emission statement; and
- c. Information regarding seasonal or diurnal peaks in the emission of affected pollutants; and
- d. Certification by a responsible official of the company that the information contained in the emission statement is accurate to the best knowledge of the individual certifying the emission statement.

301.3 After September 21, 1993, the first emission statement shall cover actual emissions of volatile organic compounds and oxides of nitrogen for calendar year 1992. Thereafter emissions statements and/or emissions inventory data reports shall be submitted to the District annually.

302 REPORTING REQUIREMENTS: The owner or operator of any source subject to this section may comply with the provisions of this Section by satisfying the requirements of Subsections 302.1 or 302.2, as follows:

302.1 Emission Inventory Data Report: Unless otherwise directed by the Air Pollution Control Officer, the owner or operator of a source regulated by this rule shall annually conduct an emissions inventory of the actual emissions discharged to the atmosphere in the prior calendar year. The emission data report shall be submitted to the District no later than March 1.

- a. Once the owner or operator of a source that is regulated by this rule submits an annual emission data report, the District will prepare an emission statement for certification by the responsible official. The responsible official must certify the emission statement and return it to the District within 30 days after the date it was mailed by the District (postmarked date).
- b. If the owner or operator believes that the information in the emission statement provided by the District is not correct, the owner or operator may revise the emissions information, using a form and methodology approved by the Air Pollution Control Officer. The revised emission information shall be returned to the Air Pollution Control Officer within 30 days of the date the emission statement was sent to the owner or operator by the District, and the responsible official shall certify that the emissions information is accurate, to the best knowledge of the individual certifying the statement.
- c. Within 30 days of receipt of revised emissions information submitted pursuant to Section 302.1(b), the Air Pollution Control Officer shall accept or reject the information. If accepted, the emission statement shall be submitted to the California Air Resources Board. If the emission statement is rejected, it shall be returned to the source owner or operator with the reason(s) for its rejection. The source owner or operator shall correct the emission statement and resubmit it to the Air Pollution Control Officer within 30 days of the date the notice of rejection of the emission statement was made (postmarked date).

302.2 **Emission Statement:** If so directed by the Air Pollution Control Officer, the owner or operator of a source regulated by this rule shall annually submit an emissions statement satisfying the requirements of Subsection 301.2 reporting the actual emissions discharged to the atmosphere in the prior calendar year. The completed emission statement shall be submitted to the District no later than March 1.

- a. The responsible official must provide certification for the emission statement.
- b. Within 30 days of receipt of the emission statement the Air Pollution Control Officer shall accept or reject the information. If accepted, the emission statement shall be submitted to the California Air Resources Board. If the emission statement is rejected, it shall be returned to the source owner or operator with the reason(s) for its rejection. The source owner or operator shall correct the emission statement and resubmit it to the Air Pollution Control Officer within 30 days of the date the notice of rejection of the emission statement was made (postmarked date).

400 ADMINISTRATIVE REQUIREMENTS

401 DISTRICT REQUIREMENTS:

- 401.1 The Air Pollution Control Officer shall request and require the submission of an emission inventory data report pursuant to Subsection 302.1, or shall require a complete emissions statement pursuant to Subsection 302.2, from each source within the District emitting twenty-five (25) tons or more per year, or between ten (10) and twenty-five (25) tons per year if not exempted pursuant to Section 110, of volatile organic compounds or oxides of nitrogen.
- 401.2 If exempted by Section 110, the Air Pollution Control Officer shall provide the California Air Resources Board with an emission inventory for permitted point sources emitting between ten (10) and twenty-five (25) tons per year either volatile organic compounds or oxides of nitrogen.

402 FAILURE TO SUBMIT: A failure by the responsible official to submit an annual emission inventory by the date required, or to return a certified emission statement or corrected emission statement when due, shall be deemed a willful failure to furnish information required to disclose the nature and quantity of emissions discharged by the stationary source.

- 402.1 The Air Pollution Control Officer may suspend the permit(s) of such a source.
- 402.2 The Air Pollution Control Officer shall serve notice in writing of such suspension and the reasons for the suspension upon the permittee.
- 402.3 The Air Pollution Control Officer will reinstate the suspended permit(s) when furnished with the required information.

500 MONITORING AND RECORDS

501 EMISSION FACTORS: The emission factors used in developing the emissions inventory data or in determining the emissions of the emission statement required in Section 302.1 and 401.2 shall be acceptable to the California Air Resource Board and the Administrator of the Environmental Protection Agency.

RULE 504 EMISSION REDUCTION CREDITS

Adopted 9-21-93
(Amended 11-03-94)

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100 GENERAL

101 PURPOSE: To provide an administrative mechanism for quantifying, adjusting and certifying surplus emission reductions for:

101.1 later use as offsets pursuant to District, state or federal rules or regulations, or

101.2 transfer to other sources as offsets pursuant to Rule 502, NEW SOURCE REVIEW.

102 APPLICABILITY: This rule shall apply to all emissions reduction credits for use within a stationary source or for transfer to other sources.

110 EXEMPTION, NOTIFICATION REQUIREMENTS: The requirements of Sections 404 and 405; relating to notification, publication, and public inspection of Preliminary Decisions; shall not apply if the application is for emission reduction credits less than the following per calendar quarter:

<u>Affected Pollutant</u>	<u>Emission Reduction Credits</u>
Reactive Organic Compounds	9,000 lbs/quarter
Nitrogen Oxides	9,000 lbs/quarter
Sulfur Oxides	9,000 lbs/quarter
PM10	7,200 lbs/quarter
Carbon Monoxide	49,500 lbs/quarter

111 EXEMPTION, CONCURRENT STATIONARY SOURCE MODIFICATION: Pursuant to Section 40709(c) of the California Health and Safety Code, need not be banked prior to use as offsets, if those reductions satisfy all criteria established by this rule, Rule 501, GENERAL PERMIT REQUIREMENTS, and Rule 502, NEW SOURCE REVIEW. For the purposes of this exemption, "concurrent stationary source modification" means the simultaneous modification of emission units and/or the addition of new emissions units to a stationary source with all emission reductions occurring after the issuance of the Authority to Construct authorizing such reductions, but before the start of operation of the new or modified emissions unit(s) with emission increases.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW.

201 ACTUAL EMISSIONS REDUCTIONS: Reductions of emissions from an emissions unit. Actual emission reductions shall be calculated pursuant to Section 407, Calculation of Emissions, and meet all of the following criteria:

201.1 The emissions reductions shall be real, enforceable, quantifiable, and permanent.

201.2 The emissions reductions shall be surplus emissions reductions in excess of any emissions reduction which is:

- Required or encumbered by any laws, rules, regulations, agreements, or orders, and unless such law by its terms states that the emission reduction shall be considered surplus, or
- Attributed to a control measure noticed for workshop in the District, or proposed or contained in a State Implementation Plan, or
- Proposed or contained in the District Air Quality Attainment Plan for attaining the annual reductions required by the California Clean Air Act.

201.3 Except for control measures which are federally mandated or otherwise required or encumbered by law, emissions reductions attributed to a proposed control measure may be re-eligible as surplus actual emissions reductions for:

- a. Control measures identified in the District Air Quality Attainment Plan or State Implementation Plan where no rule has been adopted within two years from the scheduled adoption date, provided, however, the Air Pollution Control Officer has not extended the scheduled adoption date, or
- b. Control measures not identified in the District Air Quality Attainment Plan or State Implementation Plan where no rule has been adopted and two years have elapsed beyond the date of the latest public workshop notice, or
- c. Control measures proposed in the District Air Quality Attainment Plan which are not included into the Plan adopted by the District Board shall become re-eligible upon adoption of the Plan.

201.4 Source shutdowns and curtailments may not be given emission reduction credit in the case of non-attainment pollutants, including precursors, if they occurred prior to the date of application unless:

- a. The shutdown or curtailment was claimed by the affected facility as a credit within 180 days of the last date of operation. Shutdown or curtailment credits not claimed within 180 days shall pass to the Priority Reserve Bank as provided in Rule 505, PRIORITY RESERVE.
- b. The crediting of shutdown emissions complies with the most recent emission trading policy of the US Environmental Protection Agency; and
- c. The District has met the statutory planning mandates and air quality improvement milestones; or
- d. The proposed new source or modification is a replacement, and the shutdown or curtailment occurred after August 7, 1977, or
- e. The proposed new source or modification does not meet the US Environmental Protection Agency definition of a major source or major modification; the shutdown or curtailment occurred after August 7, 1977; the shutdown or curtailment was document by a concurrent application to the District for emissions reduction; and the emission reduction credit is used at the same stationary source.

202 BANKING: The system of quantifying, adjusting, certifying, recording, and storing ERC's for future use and transfer. This system shall be called the Emission Reduction Credit Bank (ERC Bank).

203 BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY (BARCT): an emission limitation that is based upon the maximum degree of reduction achievable, taking into account environmental, energy, and economic impacts by each class or category of source. The criteria for BARCT are specified in "California Clean Air Act Guidance for the Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology", California Air Resources Board, April 1990.

204 CERTIFIED: Emission reduction credits which have been evaluated under the requirements of this rule and other applicable District, state and federal rules and regulations and which have been authorized by the Air Pollution Control Officer.

- 205 ELECTRICAL POWER PLANTS:** An electrical generating facility located within the District that regularly generates electricity so the local electric utility can provide its daily energy requirements. Emergency electrical generating equipment are not considered electrical power plants.
- 206 EMISSION REDUCTION CREDITS (ERC):** Reductions of actual emissions from an emission unit that are registered with the District in accordance with the requirements of this rule.
- 207 EMISSIONS UNIT:** An identifiable operation or piece of process equipment such as an article, machine, or other contrivance which controls, emits, may emit, or results in the emissions of any affected air pollutant, regulated air pollutant or Hazardous Air Pollutant (HAP), directly or as fugitive emissions. An emissions unit shall not include the open burning of agricultural biomass. With the exception of early reductions of Hazardous Air Pollutants in accordance with Section 112(i)(5) of Title V of Federal Clean Air Act as amended in 1990, reduction credits may only be obtained for reductions in affected pollutants.
- 208 ENFORCEABLE:** Verifiable and legally binding. Enforceable, for the purposes of federal requirements, means all federally enforceable limitations and conditions enforceable by the administrator, including: NSPS; NESHAP; requirements within any applicable State Implementation Plan; any permit requirement established pursuant to 40 CFR 52.21, 51.160-166; or federal operating permit requirements.
- 209 ERC CERTIFICATE:** A document certifying title to a defined quantity and type of ERC's issued by the District to the owner(s) identified on the Certificate.
- 210 HISTORIC ACTUAL EMISSIONS:**
- 210.1 For applications for emissions reductions deemed complete after the September 21, 1993, "historic actual emissions" are the actual emissions for the existing emissions unit averaged over the consecutive two year period immediately preceding the date of application for emission reduction credits. If the last two years are unrepresentative of normal source operations as determined by the Air Pollution Control Officer, then any two consecutive years of the last five years that represent normal source operation may be used.
- 210.2 For applications for emissions reductions deemed complete prior to the September 21, 1993, "historic actual emissions" are either as calculated in Subsection 210.1, above, or, at the option of the applicant and with the approval of the Air Pollution Control Officer, are the actual emissions for the existing emissions unit averaged over the three year period immediately preceding the date of application for emission reduction credits.
- 210.3 If, at any time during the two or three year period, actual emissions exceeded allowed or permitted emission levels, then actual emissions shall be reduced to reflect emission levels that would have occurred if the unit were in compliance with all applicable limitations and rules.
- 210.4 Where an emissions unit has been in operation for less than two years, a shorter averaging period of at least one year may be used, provided that the averaging period is representative of the full operational history of the emissions unit. If less than one year has passed since the date of issuance of the permit to operate then the historic actual emissions shall be zero.
- 211 NON-PERMITTED EMISSIONS:** Those emissions of an affected pollutant which are not required to obtain a permit pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS. Non-permitted emissions may include emissions from mobile sources, indirect sources, and exempt equipment.

- 212 OFFSET:** The use of an emission reduction credit to compensate for an emission increase of an affected pollutant from a new or modified source subject to the requirements of Rule 502, NEW SOURCE REVIEW.
- 213 PARCEL(S):** A legally identifiable piece of land as registered with the County Assessors' office for property tax purposes.
- 214 PERMANENT:** Only permanent reductions in emissions can qualify for emission reduction credit. Permanence may generally be assured for sources subject to federal requirements by requiring federally enforceable changes in source permits, or applicable state regulations to reflect a reduced level of allowable emissions.
- 215 PROPOSED EMISSIONS:** Emissions based on the potential to emit for the new or modified emissions unit.
- 216 PORTABLE EQUIPMENT:** Equipment which is periodically relocated and is not operated more than a total of 180 days at any one location in the District within any continuous 12 month period.
- 217 QUANTIFIABLE:** Ability to estimate emission reductions in terms of both their amount and characteristics. The same method of estimating emissions should generally be used to quantify the emission levels before and after the reduction.
- 218 QUARTERLY:** Calendar quarter beginning in January, April, July, and October.
- 219 REAL:** Actually occurring, implemented, and not artificially devised.
- 220 REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT):** The lowest emission limitation that a particular source is capable of meeting by the application of emission control technology that is reasonably available considering technical and economic feasibility. The criteria for RACT are specified in "California Clean Air Act Guidance for the Determination of Reasonably Available Control Technology and Best Available Retrofit Control Technology", California Air Resources Board, April 1990.
- 221 REGISTER:** The document that records all ERC deposits, withdrawals, transfers, and transactions.
- 222 REPLACEMENT EQUIPMENT:**
- 222.1 Functionally Identical Replacement: The replacement of or modification of emission units(s) where the replacement unit serves the identical function as the unit(s) being replaced, and the maximum rating and the potential to emit any pollutant will not be greater from the new or modified emissions unit(s) than the replaced unit(s), when the emissions unit(s) are operated at the same permitted conditions.
- 222.2 Identical Replacement: The total or partial replacement of an emissions unit where the replacement is the same as the original unit in all respects except for serial number.
- 223 SHUTDOWN:** The earlier of either the permanent cessation of emissions from a source or an emission unit or the surrender of that unit's or source's operating permit.
- 224 TEMPORARY SOURCE:** Temporary emission sources such as pilot plants, and portable facilities which will be terminated or located outside the District after less than a cumulative total of 90 days of operation in any 12 continuous months , and the emissions resulting from the construction phase of a new source.

225 TRANSFER: The change in ownership of an ERC from one person or legal entity to another.

300 STANDARDS

301 CERTIFICATION: Only actual emission reductions shall be certified as ERC's. Such actual emission reductions shall meet the following requirements to be certified as ERC's.

301.1 Apply for emission reduction credits pursuant to Section 401, and

301.2 Receive written approval of the Air Pollution Control Officer, and

301.3 If the emission reduction is created from an emission unit where the demand for the services or product could shift to other similar sources in the District, submittal of data to document that such reductions will result in District-wide emission reductions may be required by the Air Pollution Control Officer. Such documentation must be approved by the Air Pollution Control Officer.

301.4 Emissions decreases shall be prescribed by enforceable emission limitations contained in authorities to construct and permits to operate, or result from the permanent surrender or the voiding of permits to operate.

302 REEVALUATION: Actual emission reductions calculated prior to September 21, 1993, shall be reevaluated under the requirements and procedures specified in this rule.

303 NON-PERMITTED SOURCES:

303.1 Except as provided in Section 303.2, non-permitted emissions units or stationary sources requesting emission reduction credits from such emissions units shall void the exemption from Rule 501, GENERAL PERMIT REQUIREMENTS. Such sources shall not operate such emissions unit or stationary source without first obtaining a permit pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS.

303.2 If state or federal law prohibits the District from requiring an authority to construct or a permit to operate pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS, the applicant for emission reduction credits shall execute a legally binding contract with one or more owner(s) or operator(s) of the non-permittable emissions unit that ensures the sum of all emission reductions will be provided in accordance with the requirements of this rule, and will continue for the life of the stationary source using the credits or life of the credits as provided in the application. Such a contract shall be filed with the District and, by its terms, be enforceable by the Air Pollution Control Officer. For sources subject to federal NSR requirements, in the absence of federally enforceable conditions, the execution of a source specific SIP revision is required.

304 SHUTDOWNS: Shutdowns or curtailments occurring after the September 21, 1993, claimed for emission reduction credit shall comply with the following:

304.1 Applicants for emission reductions due to the shutdown of permitted or non-permitted emissions units shall demonstrate to the satisfaction of the Air Pollution Control Officer that such equipment will no longer be operated within the District.

304.2 Emission reductions from the shutdown of retail dry cleaners and retail gasoline stations shall be prohibited.

304.3 An application for emission reduction credits from the shutdown of emissions units or stationary sources shall be submitted within 180 days after the surrender of the permit to operate or for non-permitted sources the last date of operation of such emissions unit or stationary source.

- 305 USE OF ERC'S, BANKING:** ERC's may be banked for later use as offsets. The name of the user shall be entered into the Register for the applicable ERC's. Except as provided in Section 308, 309, 310, and 311 such ERC's may not be returned to the bank following the start of operation of the stationary source or emissions unit using the ERC as offsets.
- 306 USE OF ERC'S, OFFSETS:** ERC's may be used immediately as offsets. The ERC shall be entered into the Register along with the name of the user. Except as provided in Sections 308, 309, 310, and 311 such ERC's may not be returned to the bank following the start of operation of the stationary source or emissions unit using the ERC as offsets. ERC's may not be used to offset increases in toxic air contaminants.
- 307 RETURNS, USE OF ERC'S FOR TEMPORARY STATIONARY SOURCES AND PORTABLE EQUIPMENT:** ERC's used as offsets for temporary stationary sources or emissions units or used as offsets for portable equipment shall be returned in full to the owner upon verification of shutdown of the temporary stationary source, emissions unit, or portable equipment by the Air Pollution Control Officer. ERC's must then be re-deposited in the Bank and re-entered into the Register by the owner, within 60 days.
- 308 RETURNS, ISSUANCE OF PERMIT TO OPERATE:** If the applicant for a Permit to Operate requests a lowering of the quarterly emission limitation as a result of emissions testing conducted pursuant to an Authority to Construct and the requested new emissions limitation has been demonstrated as achievable by such emissions testing and will be continuously achieved, the difference in emission reductions credits necessary to offset the emissions unit pursuant to Rule 502, NEW SOURCE REVIEW, shall be re-deposited in the Bank and re-entered into the Register.
- 309 RETURNS, USE OF ERC'S FOR ELECTRICAL POWER PLANTS:** ERC's may be used at electrical power plants to offset emission increases resulting from increased power plant operation needed to compensate for reduced operation at other electrical power plant(s) within the District, due to emergency breakdown, pursuant to Rule 404, UPSET CONDITIONS, BREAKDOWNS OR SCHEDULED MAINTENANCE, or regularly scheduled maintenance. ERC's shall be returned in full to the owner upon verification of return to normal operation of the using electrical power plant. ERC's shall be re-deposited in the Bank and re-entered into the Register. The application of the provisions of this Section shall be approved in writing by the Air Pollution Control Officer prior to use.
- 310 RETURNS, ERC'S FROM THE PRIORITY RESERVE:** Emission Reduction Credits are returned after a being loaned in accordance with Rule 505, PRIORITY RESERVE, shall be returned to the originating Priority Reserve. Legal title to ERC's transferred to the ERC Bank from the Priority Reserve remains with the District and not the borrower.

400 ADMINISTRATIVE REQUIREMENTS

401 APPLICATION PROCEDURES:

- 401.1 Any person or entity, or an authorized agent, which owns or operates a source at which an eligible emission reduction has occurred or will occur may apply for an ERC certificate in accordance with the requirements of this rule.
- 401.2 The person or entity requesting the ERC certificate shall make an application on forms supplied by the District.
- 401.3 The application may be for reductions in one or more affected pollutants. The application shall contain sufficient information to allow for adequate evaluation of actual emission reductions.

401.4 Applicants may claim confidentiality for submitted information to the extent allowed and provided for by provisions of the Federal Clean Air Act and the Administrative Procedures of the California Government Code.

401.5 To verify emission reductions claimed in conjunction with an application for an ERC certificate, the District may require source tests by California Air Resources Board and/or US Environmental Protection Agency approved methods, continuous monitoring, production records, fuel use records, or any other appropriate means.

402 COMPLETE APPLICATION:

402.1 The Air Pollution Control Officer shall determine whether the application for ERC is complete not later than 30 days after receipt of the application for ERC, or after such longer time as both the applicant and the Air Pollution Control Officer have agreed in writing. If the Air Pollution Control Officer determines that the application is not complete, the applicant shall be notified in writing of the decision specifying the information required. If specified information is not submitted by the applicant within 60 days from the notification from the District that the application is incomplete, the application shall be automatically canceled unless the applicant has requested an extension of time, in writing and prior to the end of the 60 day period, from the Air Pollution Control Officer. The Air Pollution Control Officer may grant an extension of time not to exceed 90 days. If the application is for a shutdown or curtailment emission reduction credit, failure to provide the additional information or failure to request an extension of time shall result in those credits passing to the Priority Reserve Bank pursuant to Rule 505, PRIORITY RESERVE.

402.2 Upon receipt of any re-submittal of the application, a new 30-day period to determine completeness shall begin.

402.3 Completeness of an application or re-submitted application shall be evaluated on the basis of the information requirements set forth in District regulations (adopted pursuant to Article 3, 65940 through 65944 of Chapter 4.5 of Division I of Title 7 of the California Government Code) as they exist on the date on which the application or re-submitted application was received. The Air Pollution Control Officer may, during the processing of the application, request an applicant to clarify, amplify, correct, or otherwise supplement the information submitted in the application.

402.4 A fee shall be required pursuant to Rule 601, PERMIT FEES - STATIONARY SOURCE.

402.5 For offsets provided in accordance with Health and Safety Code Sections 41605.5, 42314.5, and 41865 concerning emission reductions from open field burning, an ERC application covering the total emission reductions necessary to offset stationary source emissions may be submitted at the time of application for an Authority to Construct. Applications for ERC's from agricultural burning shall not be required if such emissions are covered by an ERC obtained by the stationary source utilizing such emission reductions.

402.6 The applicant shall submit to the Air Pollution Control Officer records required pursuant to Section 501.

403 PRELIMINARY DECISION: Except as provided in Section 110, following acceptance of an application as complete, the Air Pollution Control Officer shall perform the evaluations required to determine compliance with all applicable District rules and regulations and make a preliminary written decision as to whether the emission reductions should be certified as an ERC. The decision shall be supported by a succinct written analysis.

- 404 PUBLICATION AND PUBLIC COMMENT:** Except as provided in Section 110, within ten calendar days following a preliminary decision, the Air Pollution Control Officer shall publish, in at least one newspaper of general circulation in the District, a notice stating the preliminary decision of the Air Pollution Control Officer, noting how the pertinent information can be obtained, and inviting written public comment for a 30-day period following the date of publication.
- 405 PUBLIC INSPECTION:** Except as provided in Section 110, the Air Pollution Control Officer shall make available for public inspection at the Air Pollution Control District's office the information submitted by the applicant and the Air Pollution Control Officer's analysis no later than the date the notice of the preliminary decision is published, pursuant to Section 404. Information submitted which contains trade secrets shall be handled in accordance with Section 6254.7 of the California Government Code and relevant sections of the California Administrative Code. Further, all such information shall be transmitted no later than the date of publication to the California Air Resources Board and the US Environmental Protection Agency regional office, and to any party which requests such information.
- 406 CERTIFICATION, FINAL ACTION:**
- 406.1 Within 180 days after acceptance of an application as complete, the Air Pollution Control Officer shall take final action on the application after considering all written comments.
- 406.2 Except as provided in Section 110, the Air Pollution Control Officer shall provide written notice of the final action to the applicant, the US Environmental Protection Agency, and the California Air Resources Board, and shall publish such notice in a newspaper of general circulation and shall make the notice and all supporting documents available for public inspection at the District's office.
- 407 WITHDRAWAL OF APPLICATION:** Withdrawal of an application for certification of an ERC by the applicant shall result in cancellation.
- 408 CALCULATION OF EMISSIONS, GENERAL:** Calculations performed pursuant to procedures specified in this Section shall not conflict with the requirements of state law. The following procedures apply to the calculation of ERC's for all sources, with the exception of ERC's from the open burning of biomass:
- 408.1 Actual emission reductions from modifications to, or shutdowns of, existing emissions units shall be calculated for each calendar quarter by subtracting the proposed emissions from historical actual emissions. Any positive value shall qualify for conversion to an emission reduction credit.
- 408.2 Credits for particulate matter emission reductions shall be expressed in terms of PM10.
- 408.3 Credits for nitrogen oxides, reactive organic compounds, carbon monoxide, sulfur oxides and PM10 shall be quantified in terms of pounds of pollutants per quarter for each calendar quarter.
- 408.4 Actual emission reductions shall be adjusted to at least reflect emission rates achievable with reasonably available control technology (RACT) or best available retrofit control technology (BARCT), whichever results in the greatest adjustment.
- 409 PRIORITY RESERVE ADJUSTMENT OF CALCULATED CREDITS:** Before the Air Pollution Control Officer may issue a certificate of ownership for any ERC's, the emission reductions calculated in Section 408 shall be adjusted 1.05 emission reductions to 1.0 ERC. Emission reductions captured by the ERC adjustment shall pass to the Priority Reserve Bank pursuant to Rule 505, PRIORITY RESERVE.

410 REGISTRATION:

- 410.1 Following certification of emission reduction credits and verification that the proposed emission reductions have been implemented, the Air Pollution Control Officer shall issue an original ERC Certificate to the owner(s) by certified mail or in person.

The issuance of an ERC certificate shall not constitute evidence of compliance with the rules and regulations of the District, or a representation or assurance to the recipient upon which reliance is authorized or intended that the ERC represented by the ERC certificate are available from the District ERC bank.

- 410.2 The ERC Certificate shall contain:

- a. Certificate number, and
- b. Date of issuance, and
- c. Street address and APN of site creating the surplus emissions reductions for which the ERC Certificate is issued, and
- d. Signature of the responsible District official, and
- e. The name of the owner shall be typed on the certificate and the owner shall sign the certificate. If the owner is a public or private business entity, a person authorized to sign on behalf of the owner shall sign the certificate, and
- f. Conditions of operation or use, including the life of the credit.

- 410.3 A copy of each ERC Certificate issued shall be maintained in the Bank Register.

- 410.4 Multiple owners of emission reduction credits shall be separated according to agreements, filed with the District, between the owners with one ERC Certificate issued to each owner for their respective portion.

- 410.5 Upon transfer of ERC's between parties, the transferor's ERC certificate, and a copy of an agreement, signed by the transferor, authorizing and memorializing the transfer of the ERC to the transferee must be surrendered to the Air Pollution Control Officer by the transferee, within 30 days of the date of the writing authorizing the transfer of the ERC's.

Upon receipt and review of said documents the Air Pollution Control Officer shall issue a new ERC certificate in the name of the transferee. If fewer than all the transferor's ERC's are transferred, a new certificate shall be issued to the transferor showing the remaining ERC's. The District may refuse to recognize any transfer of ERC's that does not comply with the requirements of this section.

- 410.6 The original ERC Certificate surrendered by the registered owner shall be filed in the register and marked with the date of issuance of the new ERC Certificate(s), the number of credits transferred, and the new ERC Certificate number(s). If fewer than all ERC's are transferred, the new balance in the name of the original owner shall be entered in the register.

- 410.7 Prior to the issuance of a permit allowing the use of ERC's, the registered owner shall surrender the ERC Certificate to the Air Pollution Control Officer. The certificate surrendered by the owner shall be filed in the register and marked with the permit number, street address and APN of site of use, and the name of the owner using the ERC's. If a balance of ERC's remain, a new ERC Certificate

shall be issued to the original owner and the original ERC Certificate shall be filed in accordance with the provisions of this rule.

- 410.8 Unless such records and information were previously submitted to the Air Pollution Control Officer, each ERC transaction must be accompanied submittal of the information of Section 501.

411 ERC REGISTER:

- 411.1 The register shall contain the following information for each ERC Certificate issued by the Air Pollution Control Officer:

- a. Certificate number, and
- b. Date of issuance, and
- c. Name and address of the registered owner, and
- d. Street address and APN of site creating the surplus emissions reductions for which the ERC Certificate is issued, and
- e. Number of ERC's registered.

- 411.2 Upon notice of a transfer of an ERC Certificate the Air Pollution Control Officer shall enter the following information in the register:

- a. Original ERC Certificate number, and
- b. New ERC Certificate number, or street address, APN, and permit numbers at which the ERC's are being used, and
- c. Name and address of new owner(s), if any, and
- d. Number of ERC's being transferred.

- 411.3 Upon use of the ERC's for offsets, the following information shall be entered in the register:

- a. All information required in Section 411.2, and
- b. Date ERC Certificate was surrendered to the Air Pollution Control Officer, and
- c. Permit numbers to which ERC's are being applied, and
- d. Name and address of ERC user, and
- e. Name, if any, address, and APN of site where ERC's are being used as offsets, and
- f. Number of ERC's being used for offsets.

- 412 MORATORIUM:** If the District Board of Directors determines, after review of periodic reports prepared by the Air Pollution Control Officer, that additional emission reductions are necessary, a moratorium on withdrawals may be imposed. Prior to imposing a moratorium, the Air Pollution Control Officer shall provide a notice of the date of the meeting of the District Board of Directors to consider issuance of a moratorium to owners of ERC and other interested parties. The moratorium shall be lifted upon determination that additional emission reductions are not necessary by the District Board of Directors.

Except as provided in Section 201.2, after the issuance of an ERC Certificate, subsequent changes in regulations, except Regulation 5, shall not reduce or eliminate the deposit.

500 MONITORING AND RECORDS

501 RECORDKEEPING:

- 501.1 Cost of Offsets: Each applicant to seeking to deposit, withdrawal, or transfer Emission Reduction Credits shall, as applicable, report to the District each emissions trading transaction; the amount of emissions for offsets purchased, by pollutant; the year the offset transaction occurred; and the total cost, by pollutant, of the offsets purchased, and other such information as may be required to perform the cost analysis required by Section 40709.5(e) of the California Health and Safety Code. This information shall be part of the public record.

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RULE 505 PRIORITY RESERVE

Adopted 9-21-93

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100 GENERAL

101 PURPOSE: The Priority Reserve Bank is established within the Emission Reduction Bank for the following purposes:

- 101.1 Use in achieving the emissions reduction rate of progress requirements of the District Air Quality Attainment Plan or State Implementation Plan; and
- 101.2 Use in mitigating emission increases by stationary sources, represented by permit applications for new or modified permits, in the period of July 1, 1991, through January 1, 1993, and the period of January 1, 1993, through September 21, 1993, to the extent mitigation was required by law and was not obtained under the adopted District Rules and Regulations; and
- 101.3 Use in providing loans of emission reductions for use as offsets for new or modified stationary sources that are essential public services.

102 APPLICABILITY: Emission reduction loans from the Priority Reserve shall be made to the extent that banked emission reductions are available and the transfer is allowed pursuant to Section 304, to publicly owned or non-profit essential public services. The applicant must have secured all potential offsets available by modifying emission units at the same stationary source. Disbursement of emission reduction loans shall not be provided for on-site power generation. Disbursement of emission reduction loans shall not be provided for emissions units not necessary to provide or maintain public health and safety. Disbursement of emission reduction loans must be made with banked emission reductions that are surplus to mandated reductions - the emission reductions required to meet rate of progress plan commitments and to mitigate emission increases occurring prior to September 21, 1993.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 502, NEW SOURCE REVIEW, and Rule 504, EMISSIONS REDUCTION CREDITS.

201 CLEANUP OPERATION: Operation to remove environmental contaminants from soil or water.

202 ESSENTIAL PUBLIC SERVICES: Except as provided in Section 102, the following sources shall be considered essential public services.

- a. Sewage treatment operations which are publicly owned and operated consistent with the approved General Plan; or
- b. Prison, jail, correctional facility; or
- c. Police or fire fighting facility; or
- d. School or hospital; or
- e. Landfill gas control or processing systems; or
- f. Water delivery operations which are publicly owned and operated consistent with the approved General Plan; or
- g. Cleanup or remediation operations mandated by Regional Water Quality Control Board, California Department of Health Services, Environmental Protection Agency or any other state or federal law, rule or regulation.

203 PRIORITY RESERVE BANK: A depository of emission reductions used by the District toward achieving mandated emission reductions or for loans to applicable essential public services for use as offsets pursuant to Rule 502, NEW SOURCE REVIEW.

204 QUARTERLY: Calendar quarter beginning in January, April, July, and October.

300 STANDARDS

301 CRITERIA: The Priority Reserve Bank shall be supported by actual emission reductions which are certified as emission reduction credits (ERC) pursuant to Rule 504, EMISSION REDUCTION CREDITS.

302 PRIORITY RESERVE BANK: Support for the Priority Reserve Bank shall include, but not be limited to:

302.1 The adjustment on all emission reductions in accordance with Rule 504, EMISSION REDUCTION CREDITS.

302.2 Shutdowns or modifications of stationary sources or emission units not claimed for emission credits by the facility as provided in Rule 504, EMISSION REDUCTION CREDITS.

303 ALLOCATION FOR ESSENTIAL PUBLIC SERVICES: On or before December 31st of each year, the Air Pollution Control Officer shall determine the amount of emission reductions from the Priority Reserve Bank to be made available for withdrawal and application to essential public services for the upcoming year. Additional emission reductions not included in the yearly determination may be added, if the Air Pollution Control Officer determines there is a need, to the previously established quarterly allocations. Allocated emissions reductions shall be made available on the first Wednesday of each calendar quarter. The amount available shall never exceed the emission reductions in the Priority Reserve Bank. The Air Pollution Control Officer may reserve a portion or all of the available emission reductions in the Priority Reserve Bank to meet mandated emission reduction requirements. In the event the Priority Reserve Bank lacks sufficient emission reduction credits to offset emission increases for eligible stationary sources or emission units, or such emissions have not been allocated, the owner or operator of the new or modified stationary source or emission unit shall be responsible for obtaining the offsets required.

304 DISBURSEMENT: A loan of emission reductions from the Priority Reserve Bank shall be based upon issuance of a final action on an Authority to Construct, pursuant to Rule 502, NEW SOURCE REVIEW, and no later than 15 days following the end of the calendar quarter or other schedule deemed applicable by the Air Pollution Control Officer.

304.1 Legal Title to the emission reductions borrowed from the Priority Reserve Bank remains with the District. An ERC certificate of ownership will not be issued for emission reductions loaned from the Priority Reserve Bank.

304.2 A borrower of emission reductions from the Priority Reserve Bank will be issued an ERC Bank account number and the borrowed emission reductions will be credited to that account.

304.3 Upon application by the borrower for an authority to construct and permit to operate the emission reductions in the borrower's account will be credited to the permit.

304.4 The District will enter the permit number and the amount of emission reductions credited from the borrower's account on the permit and in the borrower's account history.

304.5 Disbursement of emission reductions from source shutdowns and curtailments shall be in accordance with the most current US Environmental Protection Agency emissions trading policy and applicable federal regulations.

305 PRIORITY RESERVE PRIORITIZATION: Priority shall be given to mandated emission reductions, the emission reductions required to meet rate of progress plan commitments and to mitigate emission increases occurring prior to September 21, 1993. To the extent surplus emission reductions are available, priority for essential public services shall be given to applications to the Priority Reserve Bank with the earliest date an application is deemed complete. The Board of Directors of the District may determine that a specific project shall be given priority for access to the Priority Reserve based on public health or safety, regardless of the application submittal date.

306 RESERVING PRIORITY RESERVE CREDITS: Sources may, if the Air Pollution Control Officer determines a need, reserve Priority Reserve credits for up to three years to allow multi-year projects to be planned. The sum of such credits shall amount to no more than 25 percent of each calendar quarter allocation for the Priority Reserve for those three years.

307 UNUSED CREDITS: During any calendar quarter for which there are fewer requests for emission credits in the Priority Reserve Bank than are available for the calendar quarter allocation, the credits not allocated shall be made available for use the following calendar quarter.

308 TRANSFERS: Priority Reserve Bank credits shall not be transferable from one person to another.

309 RETURNS: Emission reductions shall be returned in full from the borrower's account to the Priority Reserve Bank under any of the following conditions:

309.1 Construction is not complete within two years of date of issuance of the loan.

309.2 Voluntary surrender or revocation of an Authority to Construct or Permit to Operate.

309.3 Emission reduction credits are issued to the stationary source pursuant to Rule 504, EMISSION REDUCTION CREDITS.

310 MORATORIUM: Except as provided in Section 309, a loan of emission reduction credits shall exist for the life of the emissions unit using such credits. If the District Board of Directors determines that additional emission reductions are necessary, a moratorium on loans may be imposed. Prior to issuing a moratorium, the Air Pollution Control Officer shall provide a notice of the date of the meeting of the District Board of Directors to consider such actions. The moratorium shall be lifted upon determination that additional emission reductions are not necessary by the District Board of Directors.

400 ADMINISTRATIVE REQUIREMENTS

401 CALCULATION PROCEDURES: Emission reductions deposited in the Priority Reserve Bank shall be quantified pursuant to calculation procedures specified in Rule 504, EMISSION REDUCTION CREDITS.

402 EMISSION REDUCTION CREDITS: Any stationary source which holds Emission Reduction Credits for the affected pollutant requested in this application or requested in prior applications, must first use these to replenish credits previously obtained or for the pending application, prior to being allowed access to the Priority Reserve Bank.

500 MONITORING AND RECORDS

501 RECORDKEEPING

501.1 Each stationary source shall maintain a cumulative total of emission credits obtained from the Priority Reserve Bank.

501.2 The District shall maintain records of the source and amount of emission reductions obtained for deposit in the Priority Reserve Bank, and transfers of these credits to applicants and to satisfy mandated emission reduction measures.

RULE 506 BIOMASS EMISSION REDUCTION CREDITS AND BANKING

Adopted: 08-08-96

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100 GENERAL

101 PURPOSE:

- 101.1 To provide a mechanism for open biomass burning sources to quantify, certify and deposit biomass emission reduction credits, including reductions in burning as part of the required phasedown of rice straw burning.
- 101.2 To ensure that open biomass burning is prohibited for a parcel for which an Emission Reduction Credit exists.

102 APPLICABILITY OF THIS RULE:

This rule applies only to the quantification, certification, and deposit of Emission Reduction Credits (ERCs) from open biomass burning. Emission reductions which are not derived from the open burning of biomass are subject to Rule 504, EMISSION REDUCTION CREDITS. The use of emission reduction credits for offsets is subject to the requirements of Rule 502, NEW SOURCE REVIEW.

110 EXEMPTIONS, PUBLIC NOTICE REQUIREMENTS:

Biomass burning credits for applied for less than 7,500 pounds per quarter per pollutant (less than 49,500 pounds for Carbon Monoxide), or for parcels smaller than 500 acres are exempt from the public notice requirements of Section 402.6.

200 DEFINITIONS

- 201 ACTUAL EMISSIONS:** The measured or estimated emissions that most accurately represent the emissions from a parcel.
- 202 ACTUAL EMISSION REDUCTIONS:** A reduction in actual emissions from a parcel selected for banking. Actual emission reductions shall be calculated on a quarterly basis, pursuant to Section 405.7 of this rule and shall be expressed as pounds per calendar quarter.
- 203 AFFECTED POLLUTANT:** Reactive organic compounds (ROC), nitrogen oxides (NOx), sulfur oxides (SOx), particulate matter (PM10), carbon monoxide (CO), lead, vinyl chloride, sulfuric acid mist, hydrogen sulfide, total reduced sulfur, and reduced sulfur compounds, or any other pollutant or precursor for which an ambient air quality standard has been established by the U.S. Environmental Protection Agency (EPA) or the California Air Resources Board (ARB).
- 204 APPLICANT:** A person, entity, landowner or their designee applying for an ERC Certificate.
- 205 BANKING:** The system of quantifying, adjusting, certifying, recording, and storing ERCs for future use or transfer. This system shall be called the Emission Reduction Credit Bank (ERC Bank).
- 206 BIOMASS:** Material derived from the harvesting of crops or removal of vegetation, including timber, except for material from processed dimensional timber.
- 207 ENFORCEABLE:** Verifiable and legally binding.

- 208 EMISSION REDUCTION CREDITS (ERCs):** Actual Emission Reductions that are registered with the District in accordance with this rule. Reductions will be specified by pollutant, by location, and in units of pounds per calendar quarter.
- 209 ERC CERTIFICATE:** A document certifying title to defined quantity and type of emission reduction credits issued by the District to the owner(s) identified on the Certificate.
- 210 HISTORICAL ACTUAL EMISSIONS:** For the purposes of this rule, historical actual emissions are those emissions which occurred during the baseline years (1988 through 1992).
- 211 MANUAL OF PROCEDURES:** A document which sets forth procedures relating to the application, calculation, review, registration, tracking and use of emission reduction credits arising from the reduction in open burning of biomass material as provided in this rule.
- 212 NO BURN LIST:** A list of parcels for which ERCs exist and which will not receive burn permits.
- 213 OFFSET:** The use of an emission reduction credit to compensate for an emission increase of an affected pollutant from a new or modified source subject to the requirements of Rule 502, NEW SOURCE REVIEW.
- 214 PARCEL:** For purposes of this rule, is a legally identifiable piece of land, or a portion of that land, as registered with the County Assessor's office for property tax purposes.
- 215 PERMANENT:** The quality associated with ERCs which endure for the life of the project utilizing said ERCs as offsets, or for the length of time such ERCs are certified in the District's Register. Only permanent reductions in emissions can qualify for emission reduction credit.
- 216 PRIORITY RESERVE BANK:** A depository for preserving emission reduction credits pursuant to Rule 505, PRIORITY RESERVE.
- 217 QUARTERLY:** Pertaining to any calendar quarter beginning in January, April, July, and October.
- 218 REAL:** Actually occurring, implemented, and not artificially devised.
- 219 REGISTER:** For purposes of this rule, the Register is the document that records all ERC applications, deposits, withdrawals, transfers, and other transactions including the claiming of open biomass burning offset credits by stationary sources existing prior to the adoption of this rule.
- 220 REGISTERED OWNER:** The person, entity, landowner or their designee in whose name the ERC Certificate is issued and listed in the Register.
- 221 SOURCE:** For purposes of this rule, open biomass burning on a parcel will be considered a source and such activity requires an annual burning permit issued by the District.
- 222 TRANSFER:** The change in ownership of an emission reduction credit from one person or legal entity to another.

300 STANDARDS

301 ELIGIBILITY OF EMISSIONS REDUCTIONS FOR CREDITS:

Only actual emission reductions as defined in Section 202 of this rule, will be eligible for credits. Such reductions will be deemed to have occurred when such parcel(s) has been put onto the no burn list. The District may claim emission reductions not applied for as ERCs under this rule, from any source, and use such emission reductions toward attainment of air quality standards or deposit the emission reductions into the Priority Reserve Bank. Emission reductions shall be real, enforceable, quantifiable, and permanent.

302 TRANSFER AND USE OF EMISSION REDUCTION CREDITS:

Except as provided below, registration and transfer of emission reduction credits shall be pursuant to Section 410 of Rule 504, EMISSION REDUCTION CREDITS and the Manual of Procedures.

- 302.1 Nothing in this rule prevents the lease or temporary transfer, in whole or in part, of ERCs certified pursuant to this rule. However, no leases or transfers of ERCs shall be made until application is made to the District and approval given by the APCO.

400 ADMINISTRATIVE REQUIREMENTS

401 APPLICATION PROCEDURES:

- 401.1 Any person, entity, landowner, or authorized agent, who is eligible for an emission reduction which has occurred, or will occur, may apply for an ERC Certificate in accordance with the requirements of this rule. If the applicant is not the landowner, written authorization from the landowner must be included with the application for an ERC Certificate.
- 401.2 The person or entity requesting the ERC Certificate shall make an application on forms supplied by the District.
- 401.3 The application may be for reductions in one or more affected pollutants. The application shall contain sufficient information to allow for adequate evaluation of actual emission reductions. The application for an ERC Certificate may include more than one parcel but must have separate emission calculations for each parcel or portion of a parcel covered in the application.
- 401.4 In accordance with applicable provisions of the Federal Clean Air Act, California Government Code, and the California Health and Safety Code applicants may claim confidentiality of information contained in the application.
- 401.5 Initial applications for emission reduction credits from historical actual emissions shall be submitted by December 1, 1996.
- 401.6 Subsequent applications for reductions in open biomass burning must be submitted by May 1 of each year. The application may be submitted for any burning reductions occurring in the previous or current calendar year ending December 31.
- 401.7 At the time of application, the applicant for ERCs must provide information to the District on the disposition of the biomass.

- 401.8 Verification of actual emission reductions, including historic actual emission reductions, shall be in accordance with Section 405 and the Manual of Procedures.

402 ADMINISTRATIVE PROCEDURES AND TIMETABLE:

- 402.1 The APCO shall determine whether an ERC application is complete no later than thirty (30) calendar days following receipt of the application, or after a longer time period agreed upon in writing by both the applicant and the APCO.
- 402.2 Upon determination that the application is complete, the APCO shall notify the applicant in writing. Thereafter, only information to clarify, correct, or otherwise supplement the information submitted in the application may be requested by the District. No notification regarding application completeness need be made if the District determines that the ERC may be issued within fifteen (15) calendar days of the receipt of an original or a revised application, and the issuance of ERC Certificate(s) will serve notice of application completeness.
- 402.3 If the APCO determines that the application is not complete, the applicant shall be notified, in writing, of the decision, specifying the additional information that is required. The applicant shall have sixty (60) days, or a longer time period agreed upon in writing by both the applicant and the APCO, to submit the requested information. Upon receipt of additional information, the APCO shall have another thirty (30) days to determine completeness. If no information is submitted or the application is still incomplete, the APCO may cancel the application with written notification to applicant.
- 402.4 Withdrawal of a ERC application by an applicant shall result in cancellation of the application. Any re-submittal will be processed as a new application.
- 402.5 Upon determination that an application is complete, the APCO shall have 180 calendar days to take final action. During this time period, the District shall follow the public notification procedures in Subsections 402.6 and 402.7.
- 402.6 Except as provided in Section 110, upon completion of the preliminary evaluation of the application, the APCO shall provide written notice of such to the applicant and shall also provide written notice to the ARB and the EPA and publish notice in a local newspaper of general circulation. The notice shall specify the applicant, the quantity of emission reduction credits requested and a copy of the preliminary evaluation.
- 402.7 Publication of the notice required in Subsection 402.6 shall commence a thirty (30) day public comment period during which the APCO shall accept written comments on the merits of the preliminary evaluation. Upon conclusion of this thirty (30) day period, the APCO shall have another thirty (30) days to render a final decision to approve, conditionally approve, or deny the application taking into consideration all written comments. This final decision shall be provided in writing to the applicant.
- 402.8 The applicant or any other party may appeal the APCO's final decision following provisions specified in Regulation 7, PROCEDURE BEFORE THE HEARING BOARD.

403 REGISTRATION OF EMISSION REDUCTION CREDITS:

- 403.1 The District shall maintain a Register, which shall consist of the following:
- a. A record of all deposits, withdrawals, and other transactions with regard to the District's banking system.
 - b. A record of all emission reduction credits derived from reduced burning within the District which are claimed by stationary sources existing prior to the adoption of this rule (pre-existing source).
- 403.2 In the event that emission reduction credits are claimed by a pre-existing stationary source and obtained from outside the District, the District shall report the claiming of such credits to the District of origin of the biomass material.
- 403.3 In the event that emission reduction credits are claimed by a new or modified stationary source as offsets and obtained from outside the District, the District shall report the claiming of such credits to the District of origin of the biomass material.
- 403.4 The APCO may grant an ERC Certificate only after the parcel which will have the ERCs is placed on the no burn list.
- 403.5 When all the requirements of this rule have been satisfied and the parcel is on the no burn list, the APCO shall issue the ERC Certificate. After granting an ERC Certificate, title to such Certificate shall be entered into the Register. Such information may be made available for public inspection.
- 403.6 All ERC Certificate information concerning titles, interests, liens, restrictions, encumbrances, and other changes of record shall be identified in the District's Register until the Certificate is canceled or nullified by operation of law.
- 403.7 Each ERC Certificate shall be numbered, bear the date of issuance, be signed by the APCO, bear the seal of the District, and contain information regarding the quantity and type of ERCs. One copy of the ERC Certificate shall be retained by the District and the original shall be delivered to the applicant. Transmittal of the ERC Certificate to the owner shall be accomplished in person or by registered mail. The person accepting the ERC Certificate shall sign a receipt therefor and provide such proof of identity as the APCO may require.
- 403.8 At the option of joint owners of ERCs, such joint owners may receive one ERC Certificate for the entirety or separate ERC Certificates reflecting each proportional share. The District's register shall reflect the consolidation or separation of the ERCs.
- 403.9 Title to an ERC Certificate shall be deemed registered at the time the required information concerning the ERC is entered into the Register. The title for ERC's will be vested with the landowner or the landowner's designee and shall inure to the benefit of his or her heirs.
- 403.10 All dealings with ERCs and all liens, restrictions, encumbrances, and changes subsequent to the first registration shall be deemed to be subject to the terms of this rule, and to such amendments and alterations as may hereafter be made.

- 403.11 The APCO may reissue lost or destroyed ERC Certificates after the owner certifies in writing that the original has been lost or destroyed.

404 ADJUSTMENTS TO EMISSION REDUCTION CREDITS:

- 404.1 Except as provided in Subsection 404.2, below, the District shall place five percent (5%) of the emissions reductions before ERCs are granted in the Priority Reserve Bank pursuant to Rule 505, PRIORITY RESERVE.
- 404.2 An applicant may restrict use of the ERCs only for applicant's own future use, at the same parcel or site, in which case the District will not adjust the ERCs pursuant to Subsection 404.1. The applicant may have the restriction removed by the District upon payment of costs incurred by the District to re-issue an unrestricted ERC Certificate.
- 404.3 Deposits are permanent until used by the depositor or any party to whom the ERC Certificate has been transferred. After issuance of the Certificate, subsequent changes in the District's Rules and Regulations to require the type of emission reduction which has been banked shall not reduce or eliminate the ERC.
- 404.4 Owners of ERC Certificates may donate their ERCs to the District for purposes of assisting the District towards attainment of the air quality standards.

405 OPEN BIOMASS BURNING ERC CALCULATIONS:

The Manual of Procedures contains emission factors (EF), fuel loading factors (FL), default historical burn fractions (HBF), and default quarterly burn fractions (QBF). Default HBFs and QBFs shall be used to calculate the ERCs. An alternative use of parcel specific HBFs and QBFs may be used after a methodology is developed and receives written ARB concurrence. The alternative method is to address specific geographic areas with specific air quality problems. The following information will be used in the calculation of ERCs, however when using default HBF and QBF factors, paragraphs 405.3 and 405.4 below do not apply:

- 405.1 Basic information: The applicant shall provide data on the crop type, exact location of the parcel including assessor's parcel number and other information regarding parcel location required in the Manual of Procedures, acreage burned (AB), and date(s) of open biomass burning within the historical actual emissions period. The applicant shall use District burn permit/authorization records or other verifiable records to validate the information as specified in the Manual of Procedures.
- 405.2 Acreage Burned (AB): The applicant for emission reductions credits shall provide the acreage burned for each parcel(s) of land for which ERCs are applied. Acreage must have been burned for at least one of the five (5) years from 1988 through 1992. The applicant shall use District burn permit/authorization records or other verifiable records to determine the acreage.
- 405.3 Historical Burn Fraction (HBF): The applicant shall provide data on historical biomass burn percentage, set forth in the Manual of Procedures, for the parcel(s) during the five (5) baseline years of 1988 through 1992. The historical burn fraction (0-1) is an adjustment to the amount of ERC available. The applicant may use District burn permit/authorization records or other

verifiable records to determine the amounts of prior burning. For rice straw burning a historical burn fraction of one (1) will be used for the parcel(s).

- 405.4 Quarterly Burn Fraction (QBF): The applicant shall provide available data on quarterly biomass burning, set forth in the Manual of Procedures, for the parcel(s) during the five (5) baseline years of 1988 through 1992. The QBF represents the quarterly distribution of historical burning for the baseline years. The applicant may use District burn permit/authorization records or other verifiable records to determine the date(s) of burning.
- 405.5 The biomass Fuel Loading (FL) and Emission Factors (EF) set forth in the Manual of Procedures shall be used for the crops indicated. Alternatively, the applicant may propose, and the District shall select, the appropriate biomass fuel loading and emission factors to be used in the calculations from the Annual Agricultural Burning Plan for the Sacramento Valley Air Basin or the applicant may propose other best available data which is acceptable to the APCO.
- 405.6 Discount Acreage (DA): The applicant may reduce the total acreage covered by the ERC Certificate to allow for continued burning of a portion of the total acreage of the parcel. This reduction will be reflected in the emission reduction credits applicable to the parcel(s). The portion of the parcel withheld from the ERC calculation (i.e. the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.
- 405.7 The District will determine a quarterly ERC value for each pollutant based on the following calculation:
- $$\text{ERCs} = (\text{AB} - \text{DA}) * \text{HBF} * \text{FL} * \text{EF} * \text{QBF}$$
- 405.8 Stationary sources which have applied for an Authority to Construct prior to the date of adoption of this rule, and which thereafter apply for ERC(s), may utilize the calculation procedures contained in the Manual of Procedures on the date of first adoption of this rule.

406 REVISION OR CANCELLATION OF ERC CERTIFICATES:

Revision or cancellation of ERC Certificates at the request of the registered owner to allow burning of a parcel(s) for which ERCs have been granted may be handled as follows, with prior written approval from the APCO:

- 406.1 The registered owner may request that the District reduce the quantities of the emissions covered by the ERC Certificate by the amount of emissions associated with the reduced acreage requested. After the District revises the ERC Certificate that portion of the parcel may be burned in accordance with current agricultural burning regulations. The portion of the parcel that is covered by the discount acreage (i.e. the acreage eligible for a burn permit) must be clearly identified. This portion will not be allowed to change without prior District notification and approval.
- 406.2 The registered owner may surrender the ERC Certificate to the District for cancellation and burn the parcel(s) pursuant to current agricultural burning regulations. Priority Reserve ERCs acreage may not be burned.

407 DISTRICT ENFORCEMENT CONSIDERATIONS:

District enforcement considerations related to ERCs are the following:

- 407.1 To meet the requirement of enforceability, a contract, permit conditions, no burn list, and/or other means shall be utilized.
- a. The primary means of ensuring that biomass ERCs are permanent will be by placing the parcels on a no burn list. No burn permit will be issued for a parcel if an ERC is currently in effect for that parcel unless the registered owner applies for cancellation, modification or substitution of the ERC under Section 406.
 - b. To further ensure the enforceability of ERCs and offsets from open biomass burning, an owner of a parcel with ERCs who is preparing to sell that property shall either:
 - 1. Place a restriction on the parcel title, prior to sale, foregoing all open biomass burning on the parcel, or
 - 2. Submit an application for transfer of ownership of the ERCs to the new landowner, within 14 days after the transfer of title to the parcel, consistent with the transfer procedures of this rule. The ERCs shall automatically terminate 15 days after transfer of the land to a new owner unless the registered owner has complied with either of the two options in this Subsection (2).
 - 3. Emission reduction credits used to offset project emissions in another district shall be implemented through an interdistrict agreement to ensure their enforceability and permanence.
- 407.2 To further ensure enforceability of this rule refer to the Manual of Procedures which contains ERC and offset tracking, open biomass burn permitting, and other procedures related to the implementation of the rule.

500 RECORDS AND MONITORING

501 RECORDKEEPING:

The owner or operator of any project which claims open burning emission reduction credits pursuant to Health & Safety Code Sections 41605.5 or 42314.5 must keep a daily log of biomass received by type, origin, quantity, and date.

- 501.1 Biomass cogeneration or resource recovery facilities shall be required to prepare, and submit to the District, a quarterly report on their emissions and corresponding biomass offsets.
- 501.2 Biomass cogeneration or resource recovery facilities shall provide an annual status report on biomass contracts for the following year prior to the annual renewal of the Permit to Operate.

RULE 507 FEDERAL OPERATING PERMIT PROGRAM

Adopted 10-19-93
(Amended 08-24-95, 04-17-01, 04-08-04)

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APPENDIX I: List of Title V Insignificant Activities

100 GENERAL

101 PURPOSE: To establish procedures and requirements for an operating permit system consistent with the requirements of Title V of the Federal Clean Air Act (CAA), as amended in 1990, and pursuant to 40 CFR Part 70. Title V provides for the establishment of operating permit programs for stationary sources, which emit regulated air pollutants, including attainment and nonattainment pollutants.

102 APPLICABILITY: Stationary sources subject to Rule 507 include major stationary sources, acid rain units subject to Title IV of the Federal Clean Air Act, solid waste incinerators subject to Section 111 or 129 of the Federal Clean Air Act, and any other stationary sources specifically designated by rule of the US Environmental Protection Agency. The sources listed below are subject to the requirements of this rule:

102.1 A major stationary source - Title V, as defined in Section 219;

102.2 A stationary source with an acid rain unit for which application for an Acid Rain Permit is required pursuant to Title IV of the Federal Clean Air Act;

102.3 A solid waste incinerator subject to a performance standard promulgated pursuant to Section 111 or 129 of the Federal Clean Air Act;

102.4 Any other stationary source in a source category designated by rule of the US Environmental Protection Agency; and

102.5 Any stationary source that is subject to a standard or other requirement promulgated pursuant to Section 111 or 112 of the Federal Clean Air Act, published after July 21, 1992, that is designated as subject to the requirements of Title V of the Federal Clean Air Act in the standard or requirement.

103 OBLIGATION TO COMPLY: Nothing in this rule relieves a permit applicant from any obligation to comply with any other applicable federal, state, or District orders, rules, and regulations, including the requirements to obtain permits as required by Rule 501, GENERAL PERMIT REQUIREMENTS, and Rule 502, NEW SOURCE REVIEW. The requirements in this rule shall augment and take precedence over conflicting administrative requirements of other provisions of the District's Rules and Regulations. Nothing in this rule limits the authority of the District to revoke or terminate a permit pursuant to Sections 40808, and 42307-42309 of the California Health and Safety Code (H&SC).

104 OPERATION IN COMPLIANCE WITH PERMITS: A stationary source shall operate in compliance with permits to operate issued pursuant to this rule.

110 EXEMPTION, SOURCES NOT SUBJECT TO RULE 507: The stationary sources listed below are not subject to the requirements of Rule 507:

110.1 Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 60, Subpart AAA (Standards of Performance for New Residential Wood Heaters);

110.2 Any stationary source that would be required to obtain a permit solely because it is subject to 40 CFR Part 61, Subpart M, Section 145 (National Emission Standards for Asbestos, Standard for Demolition and Renovation);

- 110.3 Any other source in a source category deferred by US Environmental Protection Agency rulemaking, unless such source is otherwise subject to Title V (i.e., it is a major source).

200 DEFINITIONS

For the purposes of this rule the following definitions apply:

201 ACID RAIN UNIT: An "acid rain unit" is any fossil fuel-fired combustion device that is an affected unit under 40 CFR Part 72.6 and therefore subject to the requirements of Title IV (Acid Deposition Control) of the Federal Clean Air Act.

202 ADMINISTRATIVE PERMIT AMENDMENT: An "administrative permit amendment" is an amendment to a permit to operate which:

202.1 Corrects a typographical error;

202.2 Identifies a minor administrative change at the stationary source; for example, a change in the name, address, or phone number of any person identified in the permit;

202.3 Requires more frequent monitoring or reporting by a responsible official of the stationary source; or

202.4 Transfers ownership or operational control of a stationary source, provided that, prior to the transfer, the Air Pollution Control Officer receives a written agreement which specifies a date for the transfer of permit responsibility, coverage, and liability from the current to the prospective permittee.

203 AFFECTED STATE: An "affected state" is any state that: 1) is contiguous with California and whose air quality may be affected by a permit action, or 2) is within 50 miles of the stationary source for which a permit action is being proposed.

204 AIR POLLUTION CONTROL OFFICER (APCO): "Air Pollution Control Officer" refers to the air pollution control officer of the Placer County Air Pollution Control District, or his/her designee.

205 APPLICABLE FEDERAL REQUIREMENT: An "applicable federal requirement" is any requirement, which is enforceable by the US Environmental Protection Agency and citizens pursuant to Section 304 of the Federal Clean Air Act and is set forth in, or authorized by, the Federal Clean Air Act or a US Environmental Protection Agency regulation. An "applicable federal requirement" includes any requirement of a regulation in effect at permit issuance and any requirement of a regulation that becomes effective during the term of the permit. Applicable federal requirements include:

205.1 Title I requirements of the Federal Clean Air Act, including:

- a. New Source Review requirements in the State Implementation Plan approved by the US Environmental Protection Agency and the terms and conditions of the preconstruction permit issued pursuant to an approved New Source Review rule;
- b. Prevention of Significant Deterioration (PSD) requirements and the terms and conditions of the PSD permit (40 CFR Part 52);
- c. New Source Performance Standards (40 CFR Part 60);

- d. National Ambient Air Quality Standards, increments, and visibility requirements as they apply to portable sources required to obtain a permit pursuant to Section 504(e) of the Federal Clean Air Act;
 - e. National Emissions Standards for Hazardous Air Pollutants (40 CFR Part 61);
 - f. Maximum Achievable Control Technology or Generally Available Control Technology Standards (40 CFR Part 63);
 - g. Risk Management Plans and plan preparation and registration requirements (Section 112(r) of the Federal Clean Air Act);
 - h. Solid Waste Incineration requirements (Sections 111 or 129 of the Federal Clean Air Act);
 - i. Consumer and Commercial Product requirements (Section 183 of the Federal Clean Air Act);
 - j. Tank Vessel requirements (Section 183 of the Federal Clean Air Act);
 - k. District prohibitory rules that are approved into the State Implementation Plan;
 - l. Standards or regulations promulgated pursuant to a Federal Implementation Plan; and
 - m. Enhanced Monitoring and Compliance Certification requirements (Section 114(a)(3) of the Federal Clean Air Act).
- 205.2 Title III, Section 328 (Outer Continental Shelf) requirements of the Federal Clean Air Act (40 CFR Part 55);
- 205.3 Title IV (Acid Deposition Control) requirements of the Federal Clean Air Act (40 CFR Parts 72, 73, 75, 76, 77, 78 and regulations implementing Sections 407 and 410 of the Federal Clean Air Act);
- 205.4 Title VI (Stratospheric Ozone Protection) requirements of the Federal Clean Air Act (40 CFR Part 82); and
- 205.5 Monitoring and Analysis requirements (Section 504(b) of the Federal Clean Air Act).
- 206 CALIFORNIA AIR RESOURCES BOARD (ARB):** "California Air Resources Board" refers to the Air Resources Board of the State of California.
- 207 CLEAN AIR ACT (CAA):** "Clean Air Act" or "Federal Clean Air Act" refers to the federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
- 208 CODE OF FEDERAL REGULATIONS:** "Code of Federal Regulations" refers to the United States Code of Federal Regulations.
- 209 COMMENCE OPERATION:** "Commence operation" is the date of initial operation of an emissions unit, including any start-up or shakedown period authorized by a temporary permit to operate issued pursuant to Section 42301.1 of the California Health and Safety Code.

- 210 DIRECT EMISSIONS:** "Direct emissions" are emissions that may reasonably pass through a stack, chimney, vent, or other functionally-equivalent opening.
- 211 DISTRICT:** "District" refers to the Placer County Air Pollution Control District.
- 212 EMERGENCY:** An "emergency" is any situation arising from a sudden and reasonably unforeseeable event beyond the control of a permittee (e.g., an act of God), which causes the exceedance of a technology-based emission limitation under a permit and requires immediate corrective action to restore compliance. An "emergency" shall not include noncompliance as a result of improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.
- 213 EMISSIONS UNIT:** An "emissions unit" is any identifiable article, machine, contrivance, or operation which emits, may emit, or results in the emissions of, any regulated air pollutant or Hazardous Air Pollutant (HAP) directly or as fugitive emissions. With the exception of HAP sources, the fugitive emissions of a source shall not be considered in determining whether it is a major stationary source, unless the source belongs to one of the categories of stationary sources listed in 40 CFR 70.2, "Definitions", "Major Source" (2).
- 214 FEDERALLY-ENFORCEABLE CONDITION:** A "federally-enforceable condition" is any condition set forth in the Title V permit to operate which addresses an applicable federal requirement or a voluntary emissions cap.
- 215 FUGITIVE EMISSIONS:** Emissions from unintended openings in process equipment, emissions occurring from miscellaneous activities relating to the operation of a facility, and those emissions which do not pass through a stack, chimney, vent, or other functionally equivalent opening.
- 216 HAZARDOUS AIR POLLUTANT (HAP):** Any air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act as amended in 1990 (42 U.S.C. Section 7401 et seq.).
- 217 HEALTH AND SAFETY CODE (H&SC):** "Health and Safety Code" refers to the California Health and Safety Code.
- 218 INITIAL PERMIT:** An "initial permit" is the first operating permit for which a stationary source submits an application that addresses the requirements of the federal operating permits program as implemented by this rule.
- 219 MAJOR STATIONARY SOURCE:** For the purpose of this rule a major stationary source is defined as follows:
- 219.1 A major source, as defined in Section 112 of the Federal Clean Air Act, with the potential to emit 10 tons per year, or more, of any hazardous air pollutant listed pursuant to Section 112(b) of the Federal Clean Air Act; or 25 tons per year, or more, of any combination of hazardous air pollutants listed pursuant to Section 112(b) of the Federal Clean Air Act, or any lesser threshold as U.S. EPA may establish by rule. Fugitive hazardous air pollutant emissions shall be considered when determining whether a source is a major stationary source.
- 219.2 A stationary source with a potential to emit exceeding: 25 tons per year of nitrogen oxides, 25 tons per year of volatile organic compounds, 100 tons per year of sulfur dioxide, 100 tons per year of carbon monoxide, 100 tons per year of PM₁₀, or 100 tons per year of a regulated air pollutant. Once a source is determined to be a major stationary source, all of its fugitive emissions shall be included in calculating the source's emissions. The fugitive emissions of a

source shall not be considered in determining whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources listed in 40 CFR 70.2, "Definitions", "Major Source" (2):

1. Coal cleaning plants (with thermal dryers);
2. Kraft pulp mills;
3. Portland cement plants;
4. Primary zinc smelters;
5. Iron and steel mills;
6. Primary aluminum ore reduction plants;
7. Primary copper smelters;
8. Municipal incinerators capable of charging more than 250 tons of refuse per day;
9. Hydrofluoric, sulfuric, or nitric acid plant;
10. Petroleum refineries;
11. Lime plants;
12. Phosphate rock processing plants;
13. Coke oven batteries;
14. Sulfur recovery plants;
15. Carbon black plants (furnace process);
16. Primary lead smelters;
17. Fuel conversion plants;
18. Sintering plants;
19. Secondary metal production plants;
20. Chemical process plants;
21. Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
22. Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
23. Taconite ore processing plants;
24. Glass fiber processing plants;
25. Charcoal production plants;
26. Fossil-fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; or
27. All other stationary source categories regulated by a standard promulgated under Section 111 or 112 of the Federal Clean Air Act, but only with respect to those air pollutants that have been regulated for that category.

219.3 A source with a potential to emit which exceeds any lesser quantity emission threshold promulgated by the US Environmental Protection Agency.

220 MINOR PERMIT MODIFICATION: A "minor permit modification" is any modification to a federally-enforceable condition on a permit to operate which: A) is not a significant permit modification, and B) is not an administrative permit amendment. However, for modifications involving economic incentives, marketable permits, emissions trading, or other similar approaches, minor permit modification procedures may be used only to the extent provided for in the applicable implementation plan or applicable federal requirement.

221 OPERATING SCENARIOS: All modes of facility operation to be permitted, including normal operating conditions, start-up, and shutdown. This shall include all planned or reasonably foreseeable process, feed, and product changes. Operating scenarios must meet all applicable federal requirements.

222 PERMIT MODIFICATION: A "permit modification" is any addition, deletion, or revision to a permit to operate condition.

223 POTENTIAL TO EMIT: For the purposes of this rule, "potential to emit" as it applies to an emissions unit and a stationary source is defined below.

223.1 Potential to Emit of an Emissions Unit: The "potential to emit" of an emission unit is the maximum physical and operational design capacity of an emissions unit to emit a regulated air pollutant or HAP. Any limitation on the physical or operational design capacity, including emission control devices and restrictions on hours of operation, or on the type, or amount of material combusted, stored, or processed, may be considered as part of the design only if the limitation is set forth in permit conditions or in rules or regulations that are legally and practicably enforceable by U.S. EPA and citizens or by the District.

223.2 Potential to Emit of a Stationary Source: The "potential to emit" for a stationary source is the sum of the potential to emit from all emissions units at the stationary source. If two or more HAPs are emitted at a stationary source, the potential to emit for each of those HAPs shall be combined to determine applicability. Fugitive emissions shall be considered in determining the potential to emit for: 1) sources as specified in 40 CFR Part 70.2, "Definitions", "Major Source" (2), and 2) sources of HAP emissions. Notwithstanding the above, any HAP emissions from any oil or gas exploration or production well (with its associated equipment) and any pipeline compressor or pump station shall not be aggregated with emissions of similar units for the purpose of determining a major source of HAPs, whether or not such units are located in contiguous areas or are under common control.

224 PRECONSTRUCTION PERMIT: A "preconstruction permit" is a permit authorizing construction prior to construction and includes:

224.1 A preconstruction permit issued pursuant to a program for the prevention of significant deterioration of air quality required by Section 165 of the Federal Clean Air Act; or

224.2 A preconstruction permit issued pursuant to a new source review program required by Sections 172 and 173 of the Federal Clean Air Act or Rule 502, NEW SOURCE REVIEW.

225 REGULATED AIR POLLUTANT: A "regulated air pollutant" is any pollutant: 1) which is emitted into or otherwise enters the ambient air, and 2) for which the US Environmental Protection Agency has adopted an emission limit, standard, or other requirement. Regulated air pollutants include:

225.1 Oxides of nitrogen and volatile organic compounds;

225.2 Any pollutant for which a national ambient air quality standard has been promulgated pursuant to Section 109 of the Federal Clean Air Act;

225.3 Any pollutant subject to a New Source Performance Standard promulgated pursuant to Section 111 of the Federal Clean Air Act;

225.4 Any ozone-depleting substance specified as a Class I (chlorofluorocarbons) or Class II (hydrofluorocarbons) substance pursuant to Title VI of the Federal Clean Air Act; and

225.5 Any pollutant subject to a standard or requirement promulgated pursuant to Section 112 of the Federal Clean Air Act, including:

- a. Any pollutant listed pursuant to Section 112(r) of the Federal Clean Air Act (Prevention of Accidental Releases) shall be considered a "regulated air pollutant" upon promulgation of the list.
- b. Any HAP subject to a standard or other requirement promulgated by the US Environmental Protection Agency pursuant to Section 112(d) or adopted by the District pursuant to 112(g) and (j) of the Federal Clean Air Act shall be considered a "regulated air pollutant" for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to Section 112(e)(3) of the Federal Clean Air Act.
- c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified stationary source, prior to the US Environmental Protection Agency promulgation or scheduled promulgation of an emissions limitation shall be considered a "regulated air pollutant" when the determination is made pursuant to Section 112(g)(2) of the Federal Clean Air Act. In case-by-case emissions limitation determinations, the HAP shall be considered a "regulated air pollutant" only for the individual stationary source for which the emissions limitation determination was made.

226 RESPONSIBLE OFFICIAL: A "responsible official" is an individual with the authority to certify that a stationary source complies with all applicable federal requirements and federally-enforceable conditions of permits issued to sources in accordance with this rule. "Responsible official" means one of the following:

- 226.1 For a corporation, a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - a. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars); or
 - b. The delegation of authority to such representative is approved in advance by the Air Pollution Control Officer;
- 226.2 For a partnership or sole proprietorship, a general partner or the proprietor, respectively;
- 226.3 For a municipality, state, federal, or other public agency, either a principal executive officer or a ranking elected official; or
- 226.4 For an acid rain unit subject to Title IV (Acid Deposition Control) of the Federal Clean Air Act, the "responsible official" is the designated representative of that unit for any purposes under Title IV and this rule.

227 SIGNIFICANT PERMIT MODIFICATION: A "significant permit modification" is any modification to a federally-enforceable condition on a permit to operate which:

- 227.1 Involves any modification under Section 112(g) of Title I of the Federal Clean Air Act or under US Environmental Protection Agency regulations promulgated

pursuant to Title I of the Federal Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, and 63;

- 227.2 Significantly changes monitoring conditions;
- 227.3 Provides for the relaxation of any reporting or recordkeeping conditions;
- 227.4 Involves a permit term or condition which allows a source to avoid an applicable federal requirement, including: 1) a federally-enforceable voluntary emissions cap assumed in order to avoid triggering a modification requirement of Title I of the Federal Clean Air Act, or 2) an alternative HAP emission limit pursuant to Section 112(l)(5) of the Federal Clean Air Act;
- 227.5 Involves a case-by-case determination of any emission standard or other requirement; or
- 227.6 Involves a source-specific determination for ambient impacts, visibility analysis, or increment analysis on portable sources.

228 SOLID WASTE INCINERATOR: A "solid waste incinerator" is any incinerator which burns solid waste material from commercial, industrial, medical, general public sources (e.g., residences, hotels, or motels), or other categories of solid waste incinerators subject to a performance standard promulgated pursuant to Sections 111 or 129 of the Federal Clean Air Act.

The following incinerators are excluded from the definition of "solid waste incinerator" for the purpose of this rule:

- 228.1 Any hazardous waste incinerator required to obtain a permit under the authority of Section 3005 of the Solid Waste Disposal Act (42 U.S.C. Section 6925);
- 228.2 Any materials recovery facility, which primarily recovers metals;
- 228.3 Any qualifying small power production facility as defined in 16 U.S.C.A. Section 796(17)(C);
- 228.4 Any qualifying cogeneration facility which burns homogenous waste for the production of energy as defined in 16 U.S.C.A. Section 796(18)(B); or
- 228.5 Any air curtain incinerator which burns only wood, yard, or clean lumber waste and complies with the opacity limitations to be established by the Administrator of the US Environmental Protection Agency.

229 STATIONARY SOURCE: For the purposes of this rule, a "stationary source" is any building, structure, facility, or installation (or any such grouping) that:

- 229.1 Emits, may emit, or results in the emissions of any regulated air pollutant or HAP;
- 229.2 Is located on one or more contiguous or adjacent properties;
- 229.3 Is under the ownership, operation, or control of the same person (or persons under common control) or entity; and

229.4 Belongs to a single major industrial grouping; for example, each building, structure, facility, or installation in the grouping has the same two-digit code under the system described in the 1987 Standard Industrial Classification Manual.

230 UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (U.S. EPA or US Environmental Protection Agency): "United States Environmental Protection Agency" refers to the Administrator or appropriate delegatee of the "United States Environmental Protection Agency".

231 VOLUNTARY EMISSIONS CAP: A "voluntary emissions cap" is an optional, federally-enforceable emissions limit on one or more emissions unit(s) which a source assumes in order to avoid an applicable federal requirement. The source remains subject to all other applicable federal requirements.

300 STANDARDS

301 TITLE V APPLICATION SHIELD: An existing stationary source shall not be subject to enforcement action by the Air Pollution Control Officer or US Environmental Protection Agency for operation without a Title V permit to operate if the stationary source has complied with all of the following requirements:

301.1 The responsible official has submitted a timely and complete Title V permit to operate application for an initial permit or for the five year renewal of a permit pursuant to Section 302; and

301.2 The Air Pollution Control Officer has not taken final action on the application; and

301.3 The stationary source is operated in accordance with the requirements of any valid permit to operate issued pursuant to Section 42301 of the California Health and Safety Code and any Title V permit to operate issued pursuant to this rule, notwithstanding expiration of this permit; and

301.4 The responsible official has honored all requests for further information by the Air Pollution Control Officer pursuant to Subsection 303.2(b); and

301.5 The Title V permit to operate has not been canceled, suspended or terminated.

The application shield does not apply to stationary sources applying for permit modifications. For permit modifications, a stationary source shall operate in accordance with the applicable federal requirements, the permit to operate issued pursuant to this rule and any temporary permit to operate issued pursuant to Section 42301.1 of the California Health and Safety Code.

302 APPLICATION REQUIREMENTS:

302.1 General: Stationary sources subject to this rule shall obtain Title V permits to operate pursuant to this rule. Each permit to operate issued pursuant to this rule shall contain conditions and requirements adequate to ensure compliance with:

a. All applicable provisions of Division 26 of the California Health and Safety Code, commencing with Section 39000;

b. All applicable orders, rules, and regulations of the District and the California Air Resources Board (ARB);

- c. All applicable provisions of the applicable implementation plan required by the Federal Clean Air Act;
- d. Each applicable emission standard or limitation, rule, regulation, or requirement adopted or promulgated to implement the Federal Clean Air Act; and
- e. The requirements of all preconstruction permits issued pursuant to Parts C and D of the Federal Clean Air Act.

The operation of an emissions unit or stationary source to which this rule is applicable without a permit or in violation of any applicable permit condition or requirement shall be a violation of this rule.

- 302.2 Application Submittal for Existing Stationary Sources: For a stationary source that is subject to the requirements of this rule on June 2, 1995, a responsible official of the stationary source shall submit a complete application for a Title V permit to operate to the Air Pollution Control Officer—no later than March 2, 1996.
- 302.3 Application Submittal for New or Modified Stationary Sources: For a stationary source that becomes subject to the requirements of this rule after June 2, 1995, and after obtaining any required preconstruction permits, a responsible official of the stationary source shall submit a complete application for a Title V permit to operate within 12 months of the source commencing operation or of otherwise becoming subject to this rule.
- 302.4 Application Submittal for Permit Renewal: For renewal of a permit, a responsible official of the stationary source shall submit a complete application for a Title V permit to operate to the Air Pollution Control Officer no earlier than 18 months and no later than 6 months before the expiration date of the current Title V permit to operate. Title V permits to operate for all emissions units at a stationary source shall undergo simultaneous renewal.
- 302.5 Sources with Existing Acid Rain Unit(s): For a source with an acid rain unit, a responsible official shall submit a standard District application and acid rain permit applications to the District. The applications shall be submitted within the following timeframe:
 - a. If the source is subject to this rule because it is a major stationary source as defined in Section 219, applications shall be submitted within the timeframe specified in Subsections 302.2 or 302.3, above.
 - b. If the source is subject to this rule only because the source has an acid rain unit for which an application for an Acid Rain Permit is required pursuant to Title IV of the Federal Clean Air Act, applications shall be submitted by January 1, 1996, or, if applicable, a later date established by 40 CFR Part 72.
- 302.6 Significant Permit Modification:
 - a. After obtaining any required pre-construction permits, a responsible official shall submit a standard District application for each emissions unit affected by a proposed permit revision that qualifies as a significant permit modification. Upon request by the Air Pollution Control Officer, the responsible official shall submit copies of the latest pre-construction permit for each affected emissions unit. The emissions unit(s) affected

by the proposed permit modification shall not commence operation until the Air Pollution Control Officer takes final action to issue the revised permit or until the requirements of subsection b., below, are met.

- b. An emissions unit may commence operation of change(s) in a proposed significant permit modification prior to final action by the Air Pollution Control Officer to issue the permit modification, provided:
 - 1. The stationary source has received and complies with a pre-construction permit under Section 112(g) of the CAA, or under pre-construction review programs either approved into the State Implementation Plan, or authorized by the provisions of 40 CFR Part 52.21, pursuant to Parts C and D of Title I of the CAA;
 - 2. The stationary source has received and complies with a temporary permit to operate issued pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS;
 - 3. The stationary source submits an application for a significant permit modification within 12 months of commencing operation of the change(s);
 - 4. The change(s) is not prohibited by any permit conditions including those issued pursuant to this rule; and
 - 5. The modified emissions unit(s) complies with all applicable federal requirements and rules and regulations of the District.

302.7 Minor Permit Modification:

- a. After obtaining any required pre-construction permits, a responsible official shall submit a standard District application for each emissions unit affected by the proposed permit revision that qualifies as a minor permit modification. The emissions unit(s) affected by the proposed permit modification shall not commence operation until the Air Pollution Control Officer takes final action to approve the permit revision or until the requirements in subsection b., below, are met. In the application, the responsible official shall include the following:
 - 1. A description of the proposed permit revision, any change in emissions, and additional applicable federal requirements that will apply;
 - 2. Proposed permit terms and conditions; and
 - 3. A certification by a responsible official that the permit revision meets criteria for use of minor permit modification procedures and a request that such procedures be used.
- b. After filing its minor permit modification application as required by subsection a., above, and prior to final action by the District to issue or deny the requested minor permit modification or to determine it is a significant permit modification, the stationary source may immediately make the change(s) in a proposed minor permit modification, provided:

1. The modified emissions unit(s) complies with the conditions of any applicable pre-construction or temporary permit to operate issued pursuant to District rules and regulation;
 2. The modified emissions unit(s) complies with all proposed permit terms and conditions identified in its minor permit modification application; and
 3. The change(s) does not violate any applicable federal requirement or any rule or regulation of the District.
- c. Allowing a stationary source to make a change prior to permit issuance does not constitute final action and does not preclude the District from denying the change or requiring the change to be processed as a significant permit modification, nor does it preclude the U.S. EPA from objecting to the permit modification.
- d. After the stationary source makes the change and before the minor permit modification is issued, the stationary source need not comply with the existing permit terms and conditions it seeks to modify. If the modified emissions unit(s) fails to comply with the terms and conditions of the proposed minor permit modification, the existing permit terms and conditions the stationary source seeks to modify may be enforced against it.

302.8 Acid Rain Unit Permit Modification: A permit modification of the acid rain portion of the operating permit shall be governed by regulations promulgated pursuant to Title IV of the Federal Clean Air Act.

303 APPLICATION CONTENT AND CORRECTNESS:

303.1 Standard District Application: The standard District application submitted shall include the following information:

- a. Information identifying the source;
- b. Description of processes and products (by Standard Industrial Classification Code) including any associated with proposed alternative operating scenarios;
- c. Identification of fees specified in REGULATION 6, Rule 601, PERMIT FEES;
- d. A listing of all existing emissions units at the stationary source and identification and description of all points of emissions from the emissions units in sufficient detail to establish the applicable federal requirements and the basis for applicable fees to be assessed;
- e. Citation and description of all applicable federal requirements, information and calculations used to determine the applicability of such requirements and other information that may be necessary to implement and enforce such requirements;
- f. Calculation of all emissions, including fugitive emissions, in tons per year and in such terms as are necessary to establish compliance with the all applicable District, State, or federal requirements for the following:
 1. All regulated air pollutants emitted from the source,

2. Any HAP that the source has the potential to emit in quantities equal to or in excess of 10 tons per year, and
 3. If the source has the potential to emit two or more HAPs in quantities equal to or in excess of 25 tons per year, all HAPs emitted by the source;
- g. As these affect emissions from the source, the identification of fuels, fuel use, raw materials, production rates, operating schedules, limitations on source operation or workplace practices;
 - h. An identification and description of air pollution control equipment and compliance monitoring devices or activities;
 - i. Other information required by an applicable federal requirement;
 - j. The information needed to define permit terms or conditions implementing a source's options for operational flexibility, including alternative operating scenarios, pursuant to Subsection 401.9;
 - k. A compliance plan and compliance schedule with the following:
 1. A description of the compliance status of each emissions unit within the stationary source with respect to applicable federal requirements,
 2. A statement that the source will continue to comply with such applicable federal requirements that the source is in compliance,
 3. A statement that the source will comply, on a timely basis, with future-effective requirements which have been adopted, and
 4. A description of how the source will achieve compliance with requirements for which the source is not in compliance;
 - l. For a source not in compliance with any applicable federal requirement at the time of permit issuance, renewal, and modification (if the non-compliance is with units being modified), a schedule of compliance which resembles and is at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law and which identifies remedial measures with specific increments of progress, a final compliance date, testing and monitoring methods, recordkeeping requirements, and a schedule for submission of certified progress reports to the U.S. EPA and the Air Pollution Control Officer at least every 6 months;
 - m. A certification by a responsible official of all reports and other documents submitted for permit application, compliance progress reports at least every 6 months; statements on compliance status with any applicable enhanced monitoring, and compliance plans at least annually which shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
 - n. For a source with an acid rain unit, an application shall include the elements required by 40 CFR Part 72;

- o. For a source of HAPs required to prepare a risk management plan pursuant to Section 112(r) of the Federal Clean Air Act, the application shall include verification that a risk management plan has been submitted to the authorized implementing agency or a compliance schedule for the submittal of such a plan shall be included in the permit to operate; and
 - p. For proposed portable sources, an application shall identify all locations of potential operation and how the source will comply with all applicable District, State, and federal requirements at each location.
 - q. Activities identified as insignificant in Appendix I of this rule based upon size and production rate shall be listed in the permit application. An application may not omit information needed to determine the applicability of, or to impose, any applicable requirement, or to evaluate the fee amount required in Section VII of this rule.
- 303.2 Correcting and Updating of a Title V Application: A responsible official of a source shall submit an accurate and complete application in accordance with the requirements of the District.
- a. Upon the written request of the Air Pollution Control Officer, a responsible official shall supplement any complete application with additional information relating to the Title V application within 30 days of the date the request is made.
 - b. A responsible official shall promptly provide additional information in writing to the Air Pollution Control Officer upon discovery of submittal of any inaccurate information as part of the application or as a supplement thereto, or of any additional relevant facts previously omitted which are needed for accurate analysis of the application.
 - c. Intentional or negligent submittal of inaccurate information shall be reason for denial of an application.
 - d. A responsible official shall submit to the Air Pollution Control Officer timely updates to the Title V permit to operate application as new requirements become applicable to the source.

304 WRITTEN REQUESTS FOR DISTRICT ACTION: A responsible official shall submit a written request to the Air Pollution Control Officer for the following permit actions:

- 304.1 Administrative Permit Amendment: For an administrative permit amendment, a responsible official may implement the change addressed in the written request immediately upon submittal of the request.
- 304.2 Permit Modification for a Condition that is not Federally Enforceable: For a permit modification for a condition that is not federally enforceable, a responsible official shall submit a written request in accordance with the requirements of Rule 501, GENERAL PERMIT REQUIREMENTS.
- 304.3 Permits to Operate for New Emissions Units: For permits to operate for a new emissions unit at a stationary source, a responsible official shall submit a written request in accordance with the requirements of Rule 501, GENERAL PERMIT REQUIREMENTS, except under the following circumstances:

- a. The construction or operation of the emissions unit is a modification under US Environmental Protection Agency regulations promulgated pursuant to Title I of the Federal Clean Air Act, including 40 CFR Parts 51, 52, 60, 61, 63;
- b. The construction or operation of the emissions unit is addressed or prohibited by permits for other emissions units at the stationary source;
- c. The emissions unit is an acid rain unit subject to Title IV of the Federal Clean Air Act; or
- d. The emissions unit is a major stationary source for the purpose of this rule.

In the circumstances specified in Subsections (a), (b), (c), or (d), above, a responsible official shall apply for a permit to operate for the new emissions unit pursuant to the requirements of this rule.

- 304.4 Response to Permit Reopening For Cause: Upon notification by the Air Pollution Control Officer of a reopening of a permit for cause for an applicable federal requirement pursuant to Section 401.8, below, a responsible official shall respond to any written request for information by the Air Pollution Control Officer within 30 days of the post-marked date of the request, unless an extension for a longer period of time is agreed to in writing by the Air Pollution Control Officer.

400 ADMINISTRATIVE PROCEDURES

401 DISTRICT ADMINISTRATIVE PROCEDURES:

- 401.1 Completeness Review of Applications: The Air Pollution Control Officer shall determine if an application is complete and shall notify the responsible official of the determination within the following timeframes:

- a. For an initial permit, permit renewal, or a significant permit modification, within 60 days of receiving the application;
- b. For a minor permit modification, within 30 days of receiving the application;

The application shall be deemed complete unless the Air Pollution Control Officer requests additional information or otherwise notifies the responsible official that the application is incomplete within the timeframes specified above.

- 401.2 Notification of Completeness Determination: The Air Pollution Control Officer shall provide written notification of the completeness determination to the US Environmental Protection Agency, the ARB and any affected state and shall submit a copy of the complete application to the US Environmental Protection Agency within five working days of the determination. The Air Pollution Control Officer need not provide notification for applications from sources that are not major sources when the US Environmental Protection Agency waives such requirement for a source category by regulation or at the time of approval of the District operating permits program.

- 401.3 Application Processing Timeframes: The Air Pollution Control Officer shall act on a complete application in accordance with the procedures in Subsections 401.4, 401.5 and 401.6, below (except as application procedures for acid rain units are provided for under regulations promulgated pursuant to Title IV of the Federal Clean Air Act), and take final action within the following timeframes:

- a. For an initial permit for a source that becomes subject to this rule after June 2, 1995, no later than 18 months after the complete application is received;

- b. For a permit renewal, no later than 18 months after the complete application is received;
- c. For a significant permit modification, no later than 18 months after the complete application is received;
- d. For a minor permit modification, within 90 days after the application is received or 60 days after written notice to the US Environmental Protection Agency on the proposed decision, whichever is later; or
- e. For any permit application with early reductions pursuant to Section 112(l)(5) of the Federal Clean Air Act, within 9 months from the date a complete application is received.

401.4 Notification and Opportunity for Review of Proposed Decision: Within the applicable timeframe specified in Subsection 401.3 the Air Pollution Control Officer shall provide notice of and opportunity to review the proposed decision to issue a permit to operate in accordance with requirements in this Subsection.

- a. For Minor Permit Modifications: The Air Pollution Control Officer shall provide written notice of the proposed decision to the US Environmental Protection Agency, the ARB, and any affected state. Additionally, the District shall provide to the US Environmental Protection Agency (and, upon request, to the ARB or any affected state) copies of the proposed permit, the District analysis, and all necessary supporting information. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions.
- b. For Initial Permits, Renewal of Permits, Significant Permit Modifications, and Reopenings For Cause: The Air Pollution Control Officer shall provide the following:
 - 1. Written notice, the proposed permit and, upon request, copies of the District analysis to interested persons or agencies. The District analysis shall include a statement that sets forth the legal and factual basis for the proposed permit conditions, including references to the applicable statutory and regulatory provisions. Interested persons or agencies shall include persons who have requested in writing to be notified of proposed Title V permit decisions, any affected state and the ARB.
 - 2. On or after providing written notice pursuant to Subsection (1), above, public notice that shall be published in at least one newspaper of general circulation in the District and, if necessary, by other means to assure adequate notice to the affected public. The notice shall provide the following information:
 - A. The identification of the source, the name and address of permit holder, the activity(ies) and emissions change involved in the permit action;
 - B. The name and address of the District, the name and telephone number of District staff to contact for additional information;

- C. The availability, upon request, of a statement that sets forth the legal and factual basis for the proposed permit conditions;
 - D. The location where the public may inspect the complete application, the District analysis, and the proposed permit;
 - E. A statement that the public may submit written comments regarding the proposed decision within at least 30 days from the date of publication and a brief description of commenting procedures, and
 - F. A statement that members of the public may request the Air Pollution Control Officer to preside over a public hearing for the purpose of receiving oral public comment, if a hearing has not already been scheduled. The Air Pollution Control Officer shall provide notice of any public hearing scheduled to address the proposed decision, in at least one newspaper of general circulation and to parties that have requested such notice, at least 30 days prior to such hearing.
- 3. A copy of the complete application, the District analysis and the proposed permit at District offices for public review and comment during normal business hours;
 - 4. A written response, including reasons for not accepting comments and recommendations for a proposed permit, to persons or agencies that submitted written comments which are postmarked by the close of the public notice and comment period. All written comments and responses to such comments shall be sent to all commenters and kept on file at the District office and made available upon request.
 - 5. After completion of the public notice and comment period pursuant to Subsection (1), above, written notice shall be made to the US Environmental Protection Agency of the proposed decision along with copies of the proposed permit, the District analysis, the public notice submitted for publication, the District's response to written comments, and all necessary supporting information.

401.5 Changes to the Proposed Decision: Changes to the proposed decision shall be governed by the following procedure:

- a. The Air Pollution Control Officer may modify or change the proposed decision, the proposed permit, or the District analysis on the basis of information set forth in the comments received during the public comment period provided pursuant to Subsection 401.4(b)(2)(e) or due to further analysis of the Air Pollution Control Officer. Pursuant to Subsection 401.4(b)(5) the Air Pollution Control Officer shall forward any such modified proposed decision, the proposed permit, the District analysis, and all necessary supporting information to the US Environmental Protection Agency.
- b. If the US Environmental Protection Agency objects in writing to the proposed decision within 45 days of being notified of the decision and receiving a copy of the proposed permit and all necessary supporting information pursuant to Subsection 401.4(b)(5) the Air Pollution Control Officer shall not issue the permit. Also, if the public petitions the US Environmental Protection Agency

within 60 days after the end of the US Environmental Protection Agency's 45-day review period and the permit has not yet been issued, the Air Pollution Control Officer shall not issue the permit until US Environmental Protection Agency objections in response to the petition are resolved. The Air Pollution Control Officer shall either deny the application or revise and resubmit a permit, which addresses the deficiencies identified in the US Environmental Protection Agency objection within the following timeframes:

1. For initial permits, permit renewals, and significant permit modifications, within 90 days of receiving the US Environmental Protection Agency objection; or
2. For minor permit modifications, within 90 days of receipt of the application or 60 days of the notice to US Environmental Protection Agency, whichever is later.

401.6 Final Decision: If the US Environmental Protection Agency does not object in writing within 45 days of the notice provided pursuant to Subsection 401.4(b)(5) or the Air Pollution Control Officer submits a revised permit pursuant to Subsection 401.5(a) the Air Pollution Control Officer shall, expeditiously, deny the application or issue the final permit to operate. In any case, the Air Pollution Control Officer shall take final action on an application within the applicable timeframe specified in Subsection 401.3. Failure of the Air Pollution Control Officer to act on a permit application or permit renewal application in accordance to the timeframes provided in Subsection 401.3, shall be considered final action for purposes of obtaining judicial review to require that action on the application be taken expeditiously.

Written notification of the final decision shall be sent to the responsible official of the source, the US Environmental Protection Agency, the ARB and any person and affected state that submitted comments during the public comment period. The Air Pollution Control Officer shall submit a copy of a permit to operate as issued to the US Environmental Protection Agency and provide a copy to any person or agency requesting a copy. If the application is denied, the Air Pollution Control Officer shall provide reasons for the denial in writing to the responsible official along with the District analysis and cite the specific statute, rule, or regulation upon which the denial is based.

401.7 District Action on Written Requests: The Air Pollution Control Officer shall act on a written request of a responsible official for permit action using the applicable procedure specified in this Subsection.

- a. Administrative Permit Amendment: The Air Pollution Control Officer shall take final action no later than 60 days after receiving the written request for an administrative permit amendment.
 1. After designating the permit revisions as an administrative permit amendment, the Air Pollution Control Officer may revise the permit without providing notice to the public or any affected state.
 2. The Air Pollution Control Officer shall provide a copy of the revised permit to the responsible official and the US Environmental Protection Agency.
 3. While the Air Pollution Control Officer need not make a completeness determination on a written request, the Air Pollution Control Officer shall notify the responsible official if the Air Pollution

Control Officer determines that the permit cannot be revised as an administrative permit amendment.

- b. Permit Modification for a Condition that is not Federally Enforceable: The Air Pollution Control Officer shall take action on a written request for a permit modification for a condition that is not federally enforceable in accordance with the requirements of Rule 501, GENERAL PERMIT REQUIREMENTS, under the following circumstances:
 - 1. Any change at the stationary source allowed by the permit modification shall meet all applicable federal requirements and shall not violate any existing permit term or condition; and
 - 2. The Air Pollution Control Officer provides to the US Environmental Protection Agency a contemporaneous written notice describing the change, including the date, any change in emissions or air pollutants emitted, and any applicable federal requirement that would apply as a result of the change.
- c. Permits to Operate for New Emissions Units: The Air Pollution Control Officer shall take action on a written request for a permit to operate for a new emissions unit in accordance with the requirements for of Rule 501, GENERAL PERMIT REQUIREMENTS, under the circumstances specified in Subsection 401.7(b)(1) and 401.7(b)(2), above. However, if Subsections 304.3(a), 304.3(b), 304.3(c), or 304.3(d) apply, the Air Pollution Control Officer shall require the submittal of a standard District application and take action on that application pursuant to the requirements of this rule.

401.8 Permit Reopening for Cause: The Air Pollution Control Officer shall reopen and revise a permit to operate during the annual review period required by Section 42301(c) of the California Health and Safety Code, or petition the District hearing board to do so pursuant to Section 42307 of the California Health and Safety Code, whichever is applicable, prior to its expiration date upon discovery of cause for reopening or upon notification of cause for reopening by the US Environmental Protection Agency, or within 18 months of promulgation of a new applicable federal requirement. The Air Pollution Control Officer shall act only on those parts of the permit for which cause to reopen exists.

- a. Circumstances that are cause for reopening and revision of a permit include, but are not limited to, the following:
 - 1. The need to correct a material mistake or inaccurate statement;
 - 2. The need to revise or revoke a permit to operate to assure compliance with applicable federal requirements;
 - 3. The need to incorporate any new, revised, or additional applicable federal requirements, if the remaining authorized life of the permit is 3 years or greater, no later than 18 months after the promulgation of such requirement (where less than 3 years remain in the authorized life of the permit, the Air Pollution Control Officer shall incorporate these requirements into the permit to operate upon renewal); or
 - 4. The need to reopen a permit issued to acid rain unit subject to Phase II of Title IV of the Federal Clean Air Act to include:

- A. Oxides of nitrogen requirements prior to January 1, 1999, and
 - B. Additional requirements promulgated pursuant to Title IV as they become applicable to any acid rain unit governed by the permit.
 - b. In processing a permit reopening, the Air Pollution Control Officer shall use the same procedures as for an initial permit and additionally:
 - 1. Provide written notice to a responsible official and the US Environmental Protection Agency at least 30 days, or a shorter period in the case of an emergency, prior to reopening a permit; and
 - 2. Complete action to revise the permit as specified in the notice of reopening within 60 days after the written notice to the US Environmental Protection Agency pursuant to Subsection 401.4(b)(5), if the US Environmental Protection Agency does not object, or after the Air Pollution Control Officer has responded to US Environmental Protection Agency objection pursuant to Subsection 401.5(b).
- 401.9 Options for Operational Flexibility: The Air Pollution Control Officer shall allow specified changes in operations at a source without requiring a permit revision for conditions that address an applicable federal requirement. The Air Pollution Control Officer shall not allow changes which constitute a modification under Title I of the Federal Clean Air Act or Rule 502, NEW SOURCE REVIEW, or that result in an exceedance of the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions without revision to the permit. The source may gain operational flexibility through use of the following options:
- a. Alternative Operating Scenarios: The Air Pollution Control Officer shall allow the use of alternative operating scenarios provided that:
 - 1. Terms and conditions applicable to each operating scenario are identified by the responsible official in the permit application,
 - 2. The terms and conditions are approved by the Air Pollution Control Officer,
 - 3. The terms and conditions are incorporated into the permit; and
 - 4. The terms and conditions are in compliance with all applicable District, State, and federal requirements.

A permit condition shall require a contemporaneous log to record each change made from one operating scenario to another.
 - b. Voluntary Emissions Caps: The Air Pollution Control Officer shall issue a permit that contains terms and conditions that allow for trading of emissions increases and decreases within the stationary source solely for the purpose of complying with a voluntary emissions cap established in the permit independent of otherwise applicable federal requirements provided that:
 - 1. The requirements of Subsections 401.9(a)(1), 401.9(a)(3), and 401.9(a)(4) are met;

2. The terms and conditions are approved by the Air Pollution Control Officer as quantifiable and enforceable; and
3. The terms and conditions are consistent with the applicable preconstruction permit.

A permit condition shall require that a responsible official provide written notice to the US Environmental Protection Agency and Air Pollution Control Officer 30 days in advance of a change by clearly requesting operational flexibility under this Subsection. The written notice shall describe the change, identify the emissions unit which will be affected, the date on which the change will occur and the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not.

- c. Contravening an Express Permit Condition: The Air Pollution Control Officer shall allow for changes in operation that contravene an express condition addressing an applicable federal requirement in a permit to operate provided that:

1. The change will not violate any applicable federal requirement;
2. The change will not contravene federally-enforceable conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements;
3. The change is not a modification under Title I of the Federal Clean Air Act or any provision of Rule 502, NEW SOURCE REVIEW;
4. The change does not result in exceeding the emissions allowable under the permit, whether expressed therein as a rate of emissions or in terms of total emissions;
5. Written notice is given to the US Environmental Protection Agency and Air Pollution Control Officer 30 days in advance of a change, and the notice clearly indicates which term or condition will be contravened, requests operational flexibility under this Subsection, describes the change, identifies the emissions units which will be affected, the date on which the change will occur, the duration of the change, any change in emissions of any air pollutant, whether regulated or not, and any new emissions of any air pollutant not emitted before the change, whether regulated or not; and
6. The Air Pollution Control Officer has not provided a written denial pursuant to Subsections (1), (2), (3), (4) and (5), above, to the responsible official within 30 days of receipt of the request for an operational change. The written denial shall identify which of the requirements of Subsections (1), (2), (3), (4) and (5), above, have not been satisfied.

402 PERMIT CONTENT REQUIREMENTS:

A permit-to-operate shall contain permit conditions that will assure compliance with all applicable federal requirements.

402.1 Incorporation of Applicable Federal Requirements: A permit to operate shall incorporate all applicable federal requirements as permit conditions. The following procedure shall be used to incorporate an applicable federal requirement as a permit condition:

- a. A permit condition that addresses an applicable federal requirement shall be specifically identified in the permit, or otherwise distinguished from any requirement that is not federally enforceable;
- b. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit, both shall be incorporated as permit conditions, provided that they are not mutually exclusive; and
- c. Where an applicable federal requirement and a similar requirement that is not federally enforceable apply to the same emissions unit and are mutually exclusive (e.g., require different air pollution control technology), the requirement specified in the preconstruction permit (or, in the case of sources without preconstruction permits, the more stringent requirement) shall be incorporated as a permit condition and the other requirement shall be referenced.

402.2 General Requirements: All permits to operate shall contain the conditions or terms consistent with 40 CFR Part 70.6 Permit Content, including:

- a. Emission and Operational Limitations: The permit shall contain conditions that require compliance with all applicable federal requirements, including any operational limitations or requirements.
- b. Preconstruction Permit Requirements: The permit shall include all of the preconstruction permit conditions for each emissions unit.
- c. Origin and Authority for Permit Conditions: The origin and authority for each permit term or condition shall be referenced in the permit.
- d. Equipment Identification: The permit shall identify the equipment to which a permit condition applies.
- e. Monitoring, Testing, and Analysis: The permit shall contain conditions that require monitoring, analytical methods, compliance certification, test methods, equipment management, and statistical procedures consistent with any applicable federal requirement, including those pursuant to Sections 114(a)(3) and 504(b) of the Federal Clean Air Act, and 40 CFR Part 64. Periodic monitoring shall be required as a condition to ensure that the monitoring is sufficient to yield reliable data, which are representative of the source's compliance with permit conditions over the relevant time period.
- f. Recordkeeping: The permit shall include recordkeeping conditions that require:
 1. Record maintenance of all monitoring and support information associated with any applicable federal requirement, including:
 - A. Date, place, and time of sampling;
 - B. Operating conditions at the time of sampling; and
 - C. Date, place, and method of analysis; and

D. Results of the analysis;

2. Retention of records of all required monitoring data and support information for a period of at least five years from the date of sample collection, measurement, report, or application; and
3. Any other recordkeeping deemed necessary by the Air Pollution Control Officer to ensure compliance with all applicable federal requirements.

g. Reporting: The permit shall include reporting conditions that require the following:

1. Any deviation from permit requirements, including that attributable to upset conditions (as defined in the permit), shall be promptly reported to the Air Pollution Control Officer who will determine what constitutes "prompt" reporting in terms of the requirement, the degree, and type of deviation likely to occur;
2. A monitoring report shall be submitted at least every six months and shall identify any deviation from permit requirements, including that previously reported to the Air Pollution Control Officer in accordance with Subsection 402.2(g)(1);
3. All reports of a deviation from permit requirements shall include the probable cause of the deviation and any preventative or corrective action taken;
4. A progress report shall be made on a compliance schedule at least semi-annually and shall include: A) the date when compliance will be achieved, B) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and C) a log of any preventative or corrective action taken; and
5. Each monitoring report shall be accompanied by a written statement from the responsible official, which certifies the truth, accuracy, and completeness of the report.

h. Compliance Plan: The permit shall include a compliance plan that:

1. Describes the compliance status of an emissions unit with respect to each applicable federal requirement;
2. Describes how compliance will be achieved if an emissions unit is not in compliance with an applicable federal requirement at the time of permit issuance;
3. Assures that an emissions unit will continue to comply with those permit conditions with which it is in compliance; and
4. Assures that an emissions unit will comply, on a timely basis, with any applicable federal requirement that will become effective during the permit term.

i. Compliance Schedule: The permit shall include a compliance schedule for any emissions unit which is not in compliance with current applicable federal requirements at the time of permit issuance, renewal, and modification (if the non-compliance is with units being modified). The compliance schedule shall

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resemble and be at least as stringent as that contained in any judicial consent decree, administrative order, or schedule approved by the District hearing board if required by state law and shall require:

1. A statement that the emissions unit will continue to comply with those permit conditions with which it is in compliance;
 2. A statement that the emissions unit will comply, on a timely basis, with an applicable federal requirement that will become effective during the permit term.
 3. For each condition with which the emissions unit is not in compliance with an applicable federal requirement, a schedule of compliance which lists all preventative or corrective activities, and the dates when these activities will be accomplished; and
 4. For each emissions unit that is not in compliance with an applicable federal requirement, a schedule of progress on at least a semi-annual basis which includes: A) the date when compliance will be achieved, B) an explanation of why compliance was not, or will not be, achieved by the scheduled date, and C) a log of any preventative or corrective actions taken.
- j. Right of Entry: The permit shall require that the source allow the entry of the District, ARB, or US Environmental Protection Agency officials for the purpose of inspection and sampling, including:
1. Inspection of the stationary source, including equipment, work practices, operations, and emission-related activity;
 2. Inspection and duplication of records required by the permit to operate; and
 3. Source sampling or other monitoring activities.
- k. Compliance with Permit Conditions: The permit shall include the following provisions regarding compliance:
1. The permittee shall comply with all permit conditions;
 2. The permit does not convey property rights or exclusive privilege of any sort;
 3. The non-compliance with any permit condition is grounds for permit termination, revocation and reissuance, modification, enforcement action, or denial of permit renewal;
 4. The permittee shall not use the "need to halt or reduce a permitted activity in order to maintain compliance" as a defense for non-compliance with any permit condition;
 5. A pending permit action or notification of anticipated non-compliance does not stay any permit condition; and
 6. Within a reasonable time period, the permittee shall furnish any information requested by the Air Pollution Control Officer, in writing, for the purpose of determining: 1) compliance with the permit, or 2) whether or not cause exists for a permit or enforcement action.

- I. Emergency Provisions: The permit shall include the following emergency provisions:
1. The permittee shall comply with the requirements of Rule 404, UPSET CONDITIONS, BREAKDOWN AND SCHEDULED MAINTENANCE, and the emergency provisions contained in all applicable federal requirements.
 2. Within two weeks of an emergency event, the responsible official shall submit to the District a properly signed, contemporaneous log or other relevant evidence, which demonstrates that:
 - A. An emergency occurred;
 - B. The permittee can identify the cause(s) of the emergency; and
 - C. The facility was being properly operated at the time of the emergency; and
 - D. All steps were taken to minimize the emissions resulting from the emergency; and
 - E. Within two working days of the emergency event, the permittee provided the district with a description of the emergency and any mitigating or corrective actions taken; and
 3. In any enforcement proceeding, the permittee has the burden of proof for establishing that an emergency occurred.
- m. Severability: The permit shall include a severability clause to ensure the continued validity of otherwise unaffected permit requirements in the event of a challenge to any portion of the permit.
- n. Compliance Certification: The permit shall contain conditions for compliance certification, which include the following requirements:
1. The responsible official shall submit a compliance certification to the US Environmental Protection Agency and the Air Pollution Control Officer every 12 months or more frequently as specified in an applicable requirement or by the District. All compliance reports and other documents required to be submitted to the District by the responsible official shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete;
 2. The compliance certification shall identify the basis for each permit term or condition (e.g., specify the emissions limitation, standard, or work practice) and a means of monitoring compliance with the term or condition;
 3. The compliance certification shall include the compliance status and method(s) used to determine compliance for the current time period and over the entire reporting period; and

4. The compliance certification shall include any additional inspection, monitoring, or entry requirement that may be promulgated pursuant to Sections 114(a) and 504(b) of the Federal Clean Air Act.
- o. Permit Life: With the exception of solid waste incinerators subject to Section 129(e) of the Federal Clean Air Act, each permit to operate for any source, including acid rain units subject to Title IV of the Federal Clean Air Act, shall include a condition for a fixed term of five years from the time of issuance. A permit to operate for a solid waste incinerator shall have a permit term of 12 years; however, the permit shall be reviewed at least every five years.
- p. Payment of Fees: The permit shall include a condition to ensure that appropriate permit fees are paid on schedule. If fees are not paid on schedule, the permit is forfeited. Operation without a permit subjects the source to potential enforcement action by the District and the US Environmental Protection Agency pursuant to Section 502(a) of the Federal Clean Air Act.
- q. Alternative Operating Scenarios: Where a responsible official requests that an alternative operating scenario be included in the permit for an emissions unit, the permit shall contain specific conditions for each operating scenario, including each alternative operating scenario. Each operating scenario, including each alternative operating scenario, identified in the permit must meet all applicable federal requirements and all of the requirements of this Section. Furthermore, the source is required to maintain a contemporaneous log to record each change from one operating scenario to another.
- r. Voluntary Emissions Caps: To the extent applicable federal requirements provide for averaging emissions increases and decreases within a stationary source without case-by-case approval, a responsible official may request, subject to approval by the Air Pollution Control Officer, to permit one or more emissions unit(s) under a voluntary emissions cap. The permit for each emissions unit shall include federally-enforceable conditions requiring that:
 1. All applicable federal requirements, including those authorizing emissions averaging, are complied with;
 2. No individual emissions unit shall exceed any emissions limitation, standard, or other requirement;
 3. Any emissions limitation, standard, or other requirement shall be enforced through continuous emission monitoring, where applicable; and
 4. All affected emissions units under a voluntary emissions cap shall be considered to be operating in violation of the permit, if the voluntary emissions cap is exceeded.
- s. Acid Rain Units Subject to Title IV: The permit for an acid rain unit shall include conditions that require compliance with any federal standard or requirement promulgated pursuant to Title IV (Acid Deposition Control) of the Federal Clean Air Act and any federal standard or requirement promulgated pursuant to Title V of the Federal Clean Air Act, except as modified by Title IV. Acid rain unit permit conditions shall include the requirements of 40 CFR Part 72.9 and the following provisions:

1. The sulfur dioxide emissions from an acid rain unit shall not exceed the annual emissions allowances (up to one ton per year of sulfur dioxide may be emitted for each emission allowance allotted) that the source lawfully holds for that unit under Title IV of the Federal Clean Air Act or the regulations promulgated pursuant to Title IV;
 2. Any increase in an acid rain unit's sulfur dioxide emissions authorized by allowances acquired pursuant to Title IV of the Federal Clean Air Act shall not require a revision of the acid rain portion of the operating permit provided such increases do not require permit revision under any other applicable federal requirement; and
 3. Although there is no limit on the number of sulfur dioxide emissions allowances held by a source, a source with an acid rain unit shall not use these emissions allowances as a defense for noncompliance with any applicable federal requirement or District requirement, including District Rule 502, NEW SOURCE REVIEW; and
 4. An acid rain unit's sulfur dioxide allowances shall be accounted for according to the procedures established in regulations promulgated pursuant to Title IV of the Federal Clean Air Act.
- t. Portable Sources: The permit for any portable source, which may operate at two or more locations, shall contain conditions that require the portable source to:
1. Meet all applicable District, State, and federal requirements at each location;
 2. Specify the monitoring methods, or other methods (e.g. air quality modeling) approved by the Air Pollution Control Officer, that will be used to demonstrate compliance with District, State, and federal requirements; and
 3. Notify the Air Pollution Control Officer ten working days prior to a change in location.
- u. Permit Revision Exemption: No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit.

403 SUPPLEMENTAL ANNUAL FEE: The fees collected pursuant to this section shall supplement the fee requirements in District Regulation 6, FEES.

- 403.1 Annually, beginning in fiscal year 2004-2005, each facility subject to the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and each facility subject to the requirements of Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS, shall pay the fee specified in Table 507-1 of the District Fee Schedule, to implement the Title V program.
- 403.2 At least thirty days before the annual operating fee due date for a facility established by Rule 601, PERMIT FEES, the Responsible Official or his/her designee will be notified by mail of the Title V Program Supplemental Annual Fee and the payment due date. No less than 30 days shall be provided for payment.

- 403.3 If the Title V Program Supplemental Annual Fee is not paid when due, the fee shall be increased fifty (50) percent of the amount thereof, and the Responsible Official or his/her designee shall thereupon be notified by mail of the increased fee. Interest, at the legal rate, will accrue on a monthly basis.
- a. Title V Permit Holders: If the increased fee is not paid within 30 days after such notice, the Responsible Official or his/her designee shall thereupon be notified by mail that the issued Title V permit to operate shall be forfeit. Operation without a permit subjects the source to potential enforcement action by the District and the U.S. EPA pursuant to Section 502(a) of the Federal Clean Air Act. All fees due, including accrued interest must be paid for a permit to be reinstated.
 - b. Synthetic Minor Permit Holders: If the increased fee is not paid within 30 days after such notice, the Responsible Official or his/her designee shall thereupon be notified by mail that action shall be taken to revoke the issued District permit to operate shall be forfeit. Operation without a permit subjects the source to potential enforcement action by the District pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS. All fees due, including accrued interest must be paid for a permit to be reinstated.
- 403.4 All fees specified by this section shall be automatically adjusted on July 1 of each year based on the change in annual California Consumer Price Index for the preceding calendar year.

Appendix I to Rule 507

List of Title V Insignificant Activities

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A. General Criteria for Insignificant Activities

An insignificant activity is any activity, process, or emissions unit which is not subject to a source-specific requirement of a State Implementation Plan, preconstruction permit, or federal standardⁱ and which: 1) meets the "Criteria for Specific Source Categories" below; or 2) emits no more than 0.5 tons per year of a federal hazardous air pollutant (HAP)ⁱⁱ and no more than two tons per year of a regulated pollutant that is not a HAP.

B. Criteria for Specific Source Categories

1. Fugitive Emissions Sources Associated With Insignificant Activities

Any valves, flanges, and unvented (except for emergency pressure relief valves) pressure vessels associated with an insignificant activity on this list.

Justification: Insignificant air pollutant emissions from this source

2. Combustion and Heat Transfer Equipment

- a. Any combustion equipment, other than a gas turbine, that has a maximum heat input rating of no more than five million British thermal units (mmBtu) per hour (gross) and is equipped to be fired exclusively with natural gas, liquefied petroleum gas, or any combination thereof, provided the fuel contains no more than five per cent by weight of hydrocarbons heavier than butane (as determined by American Society for Testing and Materials (ASTM) test method E-260-73) and no more than 0.75 grains of total sulfur per 100 cubic feet of gas (as determined by ASTM test method D-1072-80).

Justification: $100 \text{ lb NOx}/10^6 \text{ ft}^3 * 5 \text{ mmBtu/hr}/1,050 \text{ mmBtu}/10^6 \text{ ft}^3 = 0.5 \text{ lb NOx/hr}$
(Reference AP-42)

- b. Any piston internal combustion engine (ICE) with a manufacturer's maximum continuous rating of no more than 50 braking horsepower (bhp).

Justification: $14 \text{ g NOx}/\text{hp-hr} * 50 \text{ hp}/454 \text{ g/lb} = 1.5 \text{ lb NOx/hr}$
(Reference AP-42)

- c. Any ICE which emits no more than 2 tons per year of Nox and is operated solely for the purpose of 1) providing power when normal power service fails (service failure does not include voluntary power reductions); or 2) the emergency pumping of water.

Justification: $14 \text{ g NOx}/\text{hp-hr} * 300 \text{ bhp} * 100 \text{ hr/yr}/454 \text{ g/lb}/2,000 \text{ lb/ton} = 0.46 \text{ tons NOx/yr}$
(Reference AP-42)

¹ Federal standards include: 40 CFR Parts 60 (New Source Performance Standards), 61 (National Emission Standards for Hazardous Air Pollutants), 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories).

² HAPs are toxic substances listed pursuant to Section 112(b) of the Federal Clean Air Act.

- d. Any non-electric space heater that is not a boiler.

Justification: $94 \text{ lb NOx}/10^6 \text{ ft}^3 * 60,000,000 \text{ Btu/hr} * 720 \text{ hr/yr}/1,000 \text{ Btu/scf} = 2 \text{ tons NOx/yr}$

Note: An electric space heater should be considered a trivial activity.

3. Cooling Towers

Any water cooling tower which:

- 1) has a circulation rate of less than 10,000 gallons per minute; and
- 2) is not used to cool process water, water from barometric jets, or water from barometric condensers.

Justification:

$0.019 \text{ lb PM}_{10}/1,000 \text{ gal/min} * 10,000 \text{ gal/min} * 60 \text{ min/hr} * 0.10 = 1.14 \text{ lb PM}_{10}/\text{hr}$

4. Printing and Reproduction Equipment

- a. Any printing, coating, or laminating activity which uses no more than two gallons per day of graphic arts materials, including: inks, coatings, adhesives, fountain solutions, thinners, retarders, or cleaning solutions.

Justification: $7.5 \text{ lb VOC/gal} * 2 \text{ gal/day} = 15 \text{ lb VOC/day}$

- b. Any photographic process equipment, and control equipment venting such equipment, which reproduces images upon material sensitized to radiant energy.

Justification: Insignificant air pollutant emissions from this source

- c. Any laser printing equipment.

Justification: Insignificant air pollutant emissions from this source

5. Food Processing Equipment

- a. Any oven in a food processing operation where less than 1,000 pounds of product are produced per day of operation.

Justification: $13.7 \text{ lb VOC}/2,000 \text{ lb product} * 1,000 \text{ lb product} = 6.9 \text{ lb VOC/day}$
(Reference AP-42)

- b. Any smokehouse in which the maximum horizontal inside cross section area does not exceed 20 square feet.

Justification: $0.3 \text{ lb PM}_{10}/\text{ton of meat} * 1 \text{ ton /day} = 0.3 \text{ lb PM}_{10}/\text{day}$
 $0.6 \text{ lb CO/ ton of meat} * 1 \text{ ton/day} = 0.6 \text{ lb CO/day}$
(Reference AP-42)

- c. Any confection cooker, and associated venting or control equipment, cooking edible products intended for human consumption.

Justification: Insignificant air pollutant emissions from this source

6. Plastic and/or Rubber Processing

- a. Any hot-wire cutting of expanded polystyrene foam, provided such cutting is limited to packaging operations.

Justification: $20 \text{ cuts/day} * 0.27 \text{ lb VOC/cut} = 5.4 \text{ lb VOC/day}$
[San Diego APCD emission factor based on BASF Wyandotte Corporation industrial hygiene tests]

- b. Any equipment used exclusively for the extrusion or compression molding of rubber or plastics, provided no plasticizer or blowing agent is used.

Justification: Insignificant air pollutant emissions from this source

- c. Any oven used exclusively for curing, softening, or annealing plastics except for ovens used to cure fiberglass reinforced plastics.

Justification: Insignificant air pollutant emissions from this source

7. Storage Containers, Reservoirs, and Tanks - Fuel, Fuel Oil, Asphalt

- a. Any temporary storage of gasoline in flexible containers to support equipment responding to an emergency or for the purposes of training to support such equipment.

Justification: $11.5 \text{ lb VOC/1,000 gal transferred} * 5,000 \text{ gal} * 2 \text{ transfers/yr} = 115 \text{ lb VOC/yr}$

- b. Any equipment with a capacity of no more than 1,500 gallons used exclusively for the storage of gasoline.

Justification:

Breathing losses = $30.5 \text{ lb VOC/1,000 gal capacity} * 1,500 \text{ gal capacity} = 45.8 \text{ lb VOC/yr}$
Working losses = $10 \text{ lb VOC/1,000 gal throughput} * 12,000 \text{ gal throughput/yr} = 120 \text{ lb VOC/yr}$
Total losses = 0.08 ton VOC/yr

- c. Any equipment with a capacity of no more than 19,800 gallons (471 barrels) used exclusively for the storage of petroleum distillates used as motor fuel with specific gravity 0.8251 or higher [40° American Petroleum Institute (API) or lower] as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput
(Reference U.S. EPA 450/4-90-003)

- d. Any equipment used exclusively for the storage of fuel oils or non-air-blown asphalt with specific gravity 0.9042 or higher (25° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: 0.03 lb/1,000 gal throughput
(Reference U.S. EPA 450/4-90-003)

8. Storage Containers, Reservoirs, and Tanks - General Organic and VOC-containing Material

- a. Any equipment used exclusively for the storage of unheated organic material with:

- 1) an initial boiling point of 150° Centigrade (C) [302° Fahrenheit (F)] or greater as determined by ASTM test method 1078-86); or

- 2) a vapor pressure of no more than five millimeters mercury (mmHg) [0.1 pound per square inch (psi) absolute] as determined by ASTM test method D-2879-86.

Justification: $0.39 \text{ lb VOC}/1,000 \text{ gal storage capacity-yr} * 10,000 \text{ gal stored} = 3.9 \text{ lb VOC/yr}$
 $0.007 \text{ lb VOC}/1,000 \text{ gal storage capacity-yr}$
(Reference U.S. EPA 450/4-90-003 for propylene glycol)

- b. Any equipment with a capacity of no more than 250 gallons used exclusively for the storage of unheated organic liquid.

Justification: $30.5 \text{ lb VOC}/1,000 \text{ gal storage capacity-yr} * 250 \text{ gal capacity} = 7.62 \text{ lb VOC/yr}$
 $17.9 \text{ lb VOC}/1,000 \text{ gal storage capacity-yr} * 250 \text{ gal capacity} = 4.5 \text{ lb VOC/yr}$
(Reference U.S. EPA 450/4-90-003 for carbon tetrachloride)

- c. Any equipment with a capacity of no more than 6,077 gallons used exclusively for the underground storage of unheated organic liquid with a vapor pressure no more than 75 mm Hg (1.5 psi absolute) as determined by ASTM test method D-2879-86.

Justification: $3.6 \text{ lb VOC}/1,000 \text{ gal storage capacity-yr} * 6,077 \text{ gal capacity} = 21.9 \text{ lb VOC/yr}$

- d. Any transport, delivery, or cargo tank or equipment on vehicles used to deliver VOC-containing material.

Justification: $0.005 \text{ lb VOC}/1,000 \text{ gal}$
(Reference U.S. EPA 450/4-90-003)

9. Storage Containers, Reservoirs, and Tanks - Inorganic Materials

Any equipment used exclusively for the storage of fresh, commercial or purer grade of:

- 1) sulfuric or phosphoric acid with acid content of no more than 99 per cent by weight; or
- 2) nitric acid with acid content of no more than 70 per cent by weight.

Justification: Insignificant air pollutant emissions from this source

10. Storage Containers, Reservoirs, and Tanks - Liquefied Gases

Any equipment used exclusively for the storage of liquefied gases in unvented (except for emergency pressure-relief valves) pressure vessels.

Justification: Insignificant air pollutant emissions from this source

11. Compression and Storage of Dry Natural Gas

Any equipment used exclusively to compress or hold dry natural gas. Any ICE or other equipment associated with the dry natural gas should not be considered an insignificant activity unless such ICE or other equipment independently qualifies as an insignificant activity.

Justification: Insignificant air pollutant emissions from this source.

12. Transfer Equipment

- a. Any transfer equipment when used with the equipment described in 7-11, above.

Justification: Please see justification for 7-11, above

- b. Any equipment used exclusively to transfer crude oil, asphalt, or residual oil from a delivery vehicle.

Justification: 0.03 lb/1,000 gal transferred
(Reference U.S. EPA 450/4-90-003)

- c. Any equipment used exclusively for the transfer of crude oil with 0.8762 specific gravity or higher (30 degrees API or lower) as measured by API test method 2547 or ASTM test method D-1298-80.

Justification: Transfer emissions for heavy crude oil are much less than 1 lb/1,000 gal

- d. Any equipment used exclusively for the transfer of less than 4,000 gallons per day of:
 - 1) unheated organic material with an initial boiling point of 150° C (302°F) or greater as determined by ASTM test method D-86; or
 - 2) fuel oil with 0.8251 specific gravity or higher (40° API or lower) as determined by API test method 2547 or ASTM test method D-1298-80.

Justification: Less than 0.03 lb/1,000 gal transferred
(Reference U.S. EPA 450/4-90-003)

13. Adhesive Application

Any adhesive operation in which no more than 173 gallons of adhesives are applied in a consecutive 12-month period.

Justification: $11.1 \text{ lb VOC-HAP/gal} \times 0.52 \times 173 \text{ gal/year} = 0.5 \text{ TPY VOC-HAP}$

Note: Districts with SIP-approved adhesive rules should determine if insignificant adhesive application at a Title V facility should be less than 173 gallons/year.

14. Surface Coating

- a. Any equipment or activity using no more than one gallon per day of surface coating, or any combination of surface coating and solvent, which contains either VOC or hazardous air pollutants (HAP), or both.

Justification: $7.5 \text{ lb VOC/gal} \times 1 \text{ gal/day} = 7.5 \text{ lb VOC/day}$

- b. Any coating operation using less than 10, 950 gallons per year of coating(s) that contain less than 20 grams of VOC per liter.

Justification: $0.16 \text{ lb VOC/gal} \times 10,950 \text{ gal/year} = 1,752 \text{ lb VOC/yr}$

15. Solvent Cleaning

- a. Any equipment or activity using no more than one gallon per day of solvent, or combination of solvent and surface coating, which contains either VOC or HAP, or both.

Justification: $7.5 \text{ lb VOC/gal} \times 1 \text{ gal/day} = 7.5 \text{ lb VOC/day}$

- b. Any unheated, non-conveyorized cleaning equipment (not including control enclosures):

- 1) which has an open surface area of no more than 10.8 square feet (2 square meters) and internal volume of no more than 92.5 gallons;
- 2) which uses organic solvents with an initial boiling point of 302° F or greater as determined by ASTM test method 1078-78; and
- 3) from which the owner or operator can demonstrate, through solvent purchase and use records, that less than 25 gallons per year of solvent was lost exclusive of solvent loss from recycling or disposal.

Justification: $7.5 \text{ lb VOC/gal solvent} * 25 \text{ gal solvent/yr} / 2,000 \text{ lb/ton} = 0.094 \text{ ton VOC/yr}$

c. Any solvent wipe cleaning provided such cleaning:

- 1) utilizes a container applicator to limit emissions (e.g., squeeze containers with narrow tips, spray bottles, dispensers with press-down caps, etc.); and
- 2) occurs at a facility which emits no more than five tons VOC (uncontrolled emissions) per calendar year from all solvent wipe-cleaning operations or which purchases no more than 1,500 gallons of solvent per calendar year.

Justification: Less than 5 tons VOC per calendar year

16. Abrasive Blasting

- a. Any blast cleaning equipment using a suspension of abrasive material in water and the control equipment venting such blast cleaning equipment.

Justification: Insignificant air pollutant emissions from this source

- b. Any abrasive blast room when vented to a control device that discharges back to the room.

Justification: Insignificant air pollutant emissions from this source.

17. Brazing, Soldering, Welding, and Cutting Torches

Any brazing, soldering, welding, or cutting torch equipment used in manufacturing and construction activities and with the potential to emit hazardous air pollutant (HAP) metals, provided the total emissions of HAPs do not exceed 0.5 tons per year.

Justification: Less than 0.5 tons per year of total HAPs

Note: U.S. EPA's List of Trivial Activities says brazing, soldering, and welding associated with maintenance is a trivial activity. Such activity performed as part of the manufacturing process is also a trivial activity, provided no metal HAPs are emitted.

18. Solder Leveler, Hydrosqueegee, Wave Solder Machine, or Drag Solder Machine

Any solder leveler, Hydrosqueegee, Wave Solder Machine, or Drag Solder machine, which uses less than an average of 10 pounds/day of any VOC-containing material.

Justification: Less than 10 pounds/day of VOC

19. Metal Products

Any equipment, and associated control equipment, used exclusively for the inspection of metal products.

Justification: Insignificant air pollutant emissions from this source.

20. Aerosol Can Puncturing or Crushing

Any aerosol can puncturing or crushing operation that processes less than 500 cans per day, provided such operation uses a closed loop recovery system.

Justification: $0.02 \text{ lb VOC/aerosol can} \times 500 \text{ aerosol cans/day} = 10 \text{ lb VOC/day}$
[San Diego County APCD emission factor based on saturated vapor in aerosol can]

21. Biotechnology Manufacture

Provided the total uncontrolled VOC emissions from any biotechnology manufacturing facility does not exceed five tons per year, any equipment used in the manufacture of:

- a. Biotechnology pharmaceutical products used exclusively in federal Food and Drug Administration (FDA)-approved clinical trials;
- b. Biomedical devices and diagnostic kits used exclusively in FDA-approved clinical trials and laboratory failure analysis testing; or
- c. Bioagricultural products for exclusive use in field testing required to obtain FDA, U.S. EPA, United States Department of Agriculture (USDA), or California Environmental Protection Agency (Cal-EPA) approval.

Justification: No more than 2 tons VOC/year

22. Textile Dyeing, Stripping, or Bleaching

Any equipment used for dyeing, stripping, or bleaching textiles, provided no organic solvents, diluents, or thinners are used.

Justification: Insignificant air pollutant emissions from this source

23. Laboratory Fume Hoods and Vents

Any laboratory fume hood or vent, provided such equipment is used exclusively for the purpose of teaching, research, or quality control.

Justification: Insignificant air pollutant emissions from this source

Note: According to the U.S. EPA's List of Trivial Activities, "many lab fume hoods or vents might qualify for treatment as insignificant"

24. Refrigeration Units

Any refrigeration unit provided the unit:

- 1) contains less than 50 pounds of refrigerant; and
- 2) is not used in conjunction with air pollution control equipment.

Justification: Insignificant air pollutant emissions from this source.

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RULE 508 GENERAL CONFORMITY

Adopted 11-03-94
(Amended 08-08-96)

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100 GENERAL

101 APPLICABILITY

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100 GENERAL

- 101 APPLICABILITY:** The conditions of the Code of Federal Regulations (CFR), Title 40, Chapter I, Subchapter C, Parts 6 and 51 in effect January 31, 1994, are made part of the Rules and Regulations of the Placer County Air Pollution Control District.

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RULE 509 TRANSPORTATION CONFORMITY RULE

Adopted 11-03-94

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100 GENERAL

- 101 APPLICABILITY
- 102 EXEMPTIONS, LAKE TAHOE AIR BASIN

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100 GENERAL

- 101 APPLICABILITY:** The conditions of the Code of Federal Regulations (CFR), Title 40, Chapter I, Part 51, Subpart T, Sections 51.392 - 51.400, 51.404, 51.410 - 51.450, 51.460, and 51.462, in effect December 27, 1993, are made part of the Rules and Regulations of the Placer County Air Pollution Control District.
- 102 EXEMPTIONS, LAKE TAHOE AIR BASIN:** The Lake Tahoe Air Basin portion of Placer County is exempt from this rule.

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RULE 510 VIOLATIONS AND DETERMINATION OF COMPLIANCE - TITLE V

Adopted 02-09-95

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100 GENERAL

101 PURPOSE: The purpose of this rule is to provide standards by which compliance with requirements derived from the federal Clean Air Act may be determined. Nothing in the District Regulations is intended to permit any practice which is a violation of any statute, ordinance, rule or regulation.

102 APPLICABILITY: Effective February 1, 1995, the provisions of this rule shall provide standards for compliance determinations required by, or derived from, federal law for the operation of any article, machine, equipment, or other contrivance within the District which may cause the issuance of air contaminants, or the use of which may eliminate, reduce, or control the issuance of air contaminants.

The requirements of this Rule arise from the provisions of Sections 110(a)(2)(A),(C), and (F)(42 U.S.C. Sections 7401(a)(2)(A),(C), and (F): and Sections 113, 114(a)(3)(42 U.S.C. Sections 7413 and 7414(a)(3)) of the federal Clean Air Act.

110 EXEMPTIONS: (RESERVED)

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are defined in Rule 504, EMISSIONS REDUCTION CREDITS; and Rule 507, FEDERAL OPERATING PERMIT PROGRAM.

201 ADMINISTRATOR: The Administrator of the United States Environmental Protection Agency or delegate.

202 DISTRICT: The Placer County Air Pollution Control District.

300 STANDARDS FOR DETERMINATION OF COMPLIANCE

301 COMPLIANCE CERTIFICATION: Notwithstanding any other provision in any plan approved by the United States Environmental Protection Agency Administrator, for the purpose of submission of compliance certification required by federal law, the owner or operator is not prohibited from using the following, in addition to any specified compliance methods:

301.1 An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

301.2 Any other monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

302 CREDIBLE EVIDENCE: Notwithstanding any other provision in the District's State Implementation Plan approved by the Administrator, any credible evidence may be used for the purpose of establishing whether a person has violated or is in violation of any such plan.

302.1 Information from the use of the following methods is presumptively credible evidence of whether a violation has occurred at a source:

a. An enhanced monitoring protocol approved for the source pursuant to 40 CFR Part 64.

b. A monitoring method approved for the source pursuant to 40 CFR 70.6(a)(3) and incorporated into a federally enforceable operating permit.

- c. Compliance test methods specified in the District's State Implementation Plan.

302.2 The following testing, monitoring, or information-gathering methods are presumptively credible testing, monitoring, or information-gathering methods:

- a. Any federally-enforceable monitoring or testing methods, including those in 40 CFR Parts 51, 60, 61 and 75.
- b. Other testing, monitoring, or information gathering methods that produce information comparable to that produced by any method in 302.1 or 302.2.a herein.

400 ADMINISTRATIVE REQUIREMENTS (NOT INCLUDED)

500 MONITORING AND RECORDS (NOT INCLUDED)

RULE 511 POTENTIAL TO EMIT

Adopted 06-08-95

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700 VIOLATIONS

701 FAILURE TO COMPLY

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100 GENERAL

101 GENERAL APPLICABILITY:

This rule shall apply to any stationary source which would, if it did not comply with the limitations set forth in this rule, have the potential to emit air contaminants equal to or in excess of the threshold for a major source of regulated air pollutants or a major source of hazardous air pollutants (HAPs) and which meets one of the following conditions:

- 101.1 In every 12-month period, the actual emissions of the stationary source are less than or equal to the emission limitations specified in Section 301 below; or
- 101.2 In every 12-month period, at least 90 percent of the emissions from the stationary source are associated with an operation limited by any one of the alternative operational limits specified in Section 601 below.

102 EXEMPTION RECORDKEEPING AND REPORTING FOR A STATIONARY SOURCE WITH DE MINIMIS EMISSIONS: The recordkeeping and reporting provisions in Sections 400, 500 and 600 below shall not apply to a stationary source with de minimis emissions or operations as specified in either section 102.1 or 102.2 below:

- 102.1 In every 12-month period, the stationary source emits less than or equal to the following quantities of emissions:
 - a. 5 tons per year of a regulated air pollutant (excluding HAPs);
 - b. 2 tons per year of a single HAP;
 - c. 5 tons per year of any combination of HAPs; and
 - d. 20 percent of any lesser threshold for a single HAP that the United States Environmental Protection Agency (U.S. EPA) may establish by rule.
- 102.2 In every 12-month period, at least 90 percent of the stationary source's emissions are associated with an operation for which the throughput is less than or equal to one of the quantities specified in subsections (a) through (h) below:
 - a. 1,400 gallons of any combination of solvent-containing materials but no more than 550 gallons of any one solvent-containing material, provided that the materials do not contain the following: methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene;
 - b. 750 gallons of any combination of solvent-containing materials where the materials contain the following: methyl chloroform (1,1,1-trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, but not more than 300 gallons of any one solvent containing material;
 - c. 4,400,000 gallons of gasoline dispensed from equipment with Phase I and II vapor recovery systems;
 - d. 470,000 gallons of gasoline dispensed from equipment without Phase I and II vapor recovery systems;

- e. 1,400 gallons of gasoline combusted;
- f. 16,600 gallons of diesel fuel combusted;
- g. 500,000 gallons of distillate oil combusted; or
- h. 71,400,000 cubic feet of natural gas combusted.

Within 30 days of a written request by the District or the U.S. EPA, the owner or operator of a stationary source not maintaining records pursuant to Sections 400 or 600 shall demonstrate that the stationary source's emissions or throughput are not in excess of the applicable quantities set forth in section 102.1 or 102.2 above.

103 PROVISION FOR AIR POLLUTION CONTROL EQUIPMENT: The owner or operator of a stationary source may take into account the operation of air pollution control equipment on the capacity of the source to emit an air contaminant if the equipment is required by Federal, State, or District rules and regulations or permit terms and conditions. The owner or operator of the stationary source shall maintain and operate such air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. This provision shall not apply after January 1, 1999, unless such operational limitation is federally-enforceable or unless the District Board specifically extends this provision and it is submitted to the U.S. EPA. Such extension shall be valid unless, and until, the U.S. EPA disapproves the extension of this provision.

104 EXEMPTION, STATIONARY SOURCE SUBJECT TO RULE 507, FEDERAL OPERATING PERMIT PROGRAM: This rule shall not apply to the following stationary sources:

104.1 Any stationary source whose actual emissions, throughput, or operation, at any time after the effective date of this rule, is greater than the quantities specified in Sections 301 or 601 below and which meets both of the following conditions:

- a. The owner or operator has notified the District at least 30 days prior to any exceedance that s/he will submit an application for a Part 70 permit, or otherwise obtain federally-enforceable permit limits, and
- b. A complete Part 70 permit application is received by the District, or the permit action to otherwise obtain federally-enforceable limits is completed, within 12 months of the date of notification.

However, the stationary source may be immediately subject to applicable federal requirements, including but not limited to, a maximum achievable control technology (MACT) standard.

104.2 Any stationary source that has applied for a Part 70 permit in a timely manner and in conformance with Rule 507, FEDERAL OPERATING PERMIT PROGRAM, and is awaiting final action by the District and U.S. EPA.

104.3 Any stationary source required to obtain an operating permit under Rule 507, FEDERAL OPERATING PERMIT PROGRAM for any reason other than being a major source.

104.4 Any stationary source with a valid Part 70 permit.
Notwithstanding sections 104.2 and 104.4, nothing in this section shall prevent any stationary source which has had a Part 70 permit from qualifying to comply with this rule in the future in lieu of maintaining an application for a Part 70 permit

or upon rescission of a Part 70 permit if the owner or operator demonstrates that the stationary source is in compliance with the emissions limitations in Section 301 or an applicable alternative operational limit in Section 601.

105 EXEMPTION, STATIONARY SOURCE WITH A LIMITATION ON POTENTIAL TO EMIT: This rule shall not apply to any stationary source which has a valid operating permit with federally-enforceable conditions or other federally-enforceable limits limiting its potential to emit to below the applicable threshold(s) for a major source as defined in sections 206 and 207.

106 APPLICABLE PUBLIC INFORMATION REQUESTS: Within three years of the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the District shall maintain and make available to the public upon request, for each stationary source subject to this rule, information identifying the provisions of this rule applicable to the source.

107 PRE-CONSTRUCTION PERMIT APPLICABILITY: This rule shall not relieve any stationary source from complying with requirements pertaining to any otherwise applicable preconstruction permit, or to replace a condition or term of any preconstruction permit, or any provision of a preconstruction permitting program.¹ This does not preclude issuance of any preconstruction permit with conditions or terms necessary to ensure compliance with this rule.

200 DEFINITIONS

All terms shall retain the definitions provided under Rule 507, FEDERAL OPERATING PERMIT PROGRAM unless otherwise defined herein.

201 ACTUAL EMISSIONS: The emissions of a regulated air pollutant from a stationary source for every 12-month period. Verifiable continuous emission monitoring data or source test data shall be preferentially used to determine actual emissions. In the absence of verifiable continuous emissions monitoring data or source test data, the basis for determining actual emissions shall be: throughputs of process materials; throughputs of materials stored; usage of materials; data provided in manufacturer's product specifications, material volatile organic compound (VOC) content reports or laboratory analyses; other information required by this rule and applicable District, State and Federal regulations; or information requested in writing by the District. All calculations of actual emissions shall use U.S. EPA, California Air Resources Board (CARB) or District approved methods, including emission factors and assumptions.

202 ALTERNATIVE OPERATIONAL LIMIT: A limit on a measurable parameter, such as hours of operation, throughput of materials, use of materials, or quantity of product, as specified in Section 600, Alternative Operational Limit and Requirements.

203 EMISSION UNIT: Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit any regulated air pollutant or hazardous air pollutant.

204 FEDERAL CLEAN AIR ACT: The federal Clean Air Act (CAA) as amended in 1990 (42 U.S.C. section 7401 et seq.) and its implementing regulations.

205 HAZARDOUS AIR POLLUTANT: Any air pollutant listed pursuant to section 112(b) of the federal Clean Air Act.

¹ For example, PSD, NSR, and ATC

206 MAJOR SOURCE OF REGULATED AIR POLLUTANTS (EXCLUDING HAPS): A stationary source that emits or has the potential to emit a regulated air pollutant (excluding HAPs) in quantities equal to or exceeding the lesser of any of the following thresholds:

206.1 100 tons per year (tpy) of any regulated air pollutant;

206.2 50 tpy of volatile organic compounds or oxides of nitrogen for a federal ozone nonattainment area classified as serious, 25 tpy for an area classified as severe, or 10 tpy for an area classified as extreme; and

206.3 70 tpy of PM10 for a federal PM10 nonattainment area classified as serious.

Fugitive emissions of these pollutants shall be considered in calculating total emissions for stationary sources in accordance with 40 CFR Part 70.2 "Definitions-Major source(2)."

207 MAJOR SOURCE OF HAZARDOUS AIR POLLUTANTS: A stationary source that emits or has the potential to emit 10 tons per year or more of a single HAP listed in section 112(b) of the CAA, 25 tons per year or more of any combination of HAPs, or such lesser quantity as the U.S. EPA may establish by rule. Fugitive emissions of HAPs shall be considered in calculating emissions for all stationary sources. The definition of a major source of radionuclides shall be specified by rule by the U.S. EPA.

208 PART 70 PERMIT: An operating permit issued to a stationary source pursuant to an interim, partial or final Title V program approved by the U.S. EPA.

209 POTENTIAL TO EMIT: The maximum capacity of a stationary source to emit a regulated air pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation is federally-enforceable.

210 PROCESS STATEMENT: An annual report on permitted emission units from an owner or operator of a stationary source certifying under penalty of perjury the following: throughputs of process materials; throughputs of materials stored; usage of materials; fuel usage; any available continuous emissions monitoring data; hours of operation; and any other information required by this rule or requested in writing by the District.

211 REGULATED AIR POLLUTANT: The following air pollutants are regulated:

211.1 Oxides of nitrogen and volatile organic compounds;

211.2 Any pollutant for which a national ambient air quality standard has been promulgated;

211.3 Any Class I or Class II ozone depleting substance subject to a standard promulgated under Title VI of the federal Clean Air Act;

211.4 Any pollutant that is subject to any standard promulgated under section 111 of the federal Clean Air Act; and

211.5 Any pollutant subject to a standard or requirement promulgated pursuant to section 112 of the federal Clean Air Act, including:

- a. Any pollutant listed pursuant to section 112(r) (Prevention of Accidental Releases) shall be considered a regulated air pollutant upon promulgation of the list.
- b. Any HAP subject to a standard or other requirement promulgated by the U.S. EPA pursuant to section 112(d) or adopted by the District pursuant to 112(g) and (j) shall be considered a regulated air pollutant for all sources or categories of sources: 1) upon promulgation of the standard or requirement, or 2) 18 months after the standard or requirement was scheduled to be promulgated pursuant to section 112(e)(3).
- c. Any HAP subject to a District case-by-case emissions limitation determination for a new or modified source, prior to the U.S. EPA promulgation or scheduled promulgation of an emissions limitation shall be considered a regulated air pollutant when the determination is made pursuant to section 112(g)(2). In case-by-case emissions limitation determinations, the HAP shall be considered a regulated air pollutant only for the individual source for which the emissions limitation determination was made.

212 TWELVE MONTH PERIOD: A period of twelve consecutive months determined on a rolling basis with a new 12-month period beginning on the first day of each calendar month.

300 STANDARDS

301 EMISSION LIMITATIONS: Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in section 601 below, no stationary source subject to this rule shall emit in every 12-month period more than the following quantities of emissions:

- 301.1 50 percent of the major source thresholds for regulated air pollutants (excluding HAPs);
- 301.2 5 tons per year of a single HAP;
- 301.3 12.5 tons per year of any combination of HAPs; and
- 301.4 50 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

302 EVALUATION OF COMPLIANCE: The APCO shall evaluate a stationary source's compliance with the emission limitations in section 301 above as part of the District's annual permit renewal process required by Health & Safety Code section 42301(e). In performing the evaluation, the APCO shall consider any annual process statement submitted pursuant to Section 500, Reporting Requirements. In the absence of valid continuous emission monitoring data or source test data, actual emissions shall be calculated using emissions factors approved by the U.S. EPA, CARB, or the APCO.

303 PROCUREMENT OF NECESSARY PERMITS: Unless the owner or operator has chosen to operate the stationary source under an alternative operational limit specified in Section 601 below, the owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in actual emissions that exceed the limits specified in Section 301 above.

400 RECORDKEEPING REQUIREMENTS

Immediately after adoption of this rule, the owner or operator of a stationary source subject to this rule shall comply with any applicable recordkeeping requirements in this section. However, for a stationary source operating under an alternative operational limit, the owner or operator shall instead comply with the applicable recordkeeping and reporting requirements specified in Section 600, Alternative Operational Limit and Requirements. The recordkeeping requirements of this rule shall not replace any recordkeeping requirement contained in an operating permit or in a District, State, or Federal rule or regulation.

401 Applicable Provisions: A stationary source previously covered by the provisions in Section 102 above shall comply with the applicable provisions of Section 400 above and Sections 500 and 600 below if the stationary source exceeds the quantities specified in section 102.1 above.

402 Permitted Emission Units Records: The owner or operator of a stationary source subject to this rule shall keep and maintain records for each permitted emission unit or groups of permitted emission units,² sufficient to determine actual emissions. Such information shall be summarized in a monthly log, maintained on site for five years, and be made available to District, CARB, or U.S. EPA staff upon request.

402.1 Coating/Solvent Emission Unit: The owner or operator of a stationary source subject to this rule that contains a coating/solvent emission unit or uses a coating, solvent, ink or adhesive shall keep and maintain the following records:

- a. A current list of all coatings, solvents, inks and adhesives in use. This list shall include: information on the manufacturer, brand, product name or code, VOC content in grams per liter or pounds per gallon, HAPS content in grams per liter or pounds per gallon, or manufacturer's product specifications, material VOC content reports or laboratory analyses providing this information;
- b. A description of any equipment used during and after coating/solvent application, including type, make and model; maximum design process rate or throughput; control device(s) type and description (if any); and a description of the coating/solvent application/drying method(s) employed;
- c. A monthly log of the consumption of each solvent (including solvents used in clean-up and surface preparation), coating, ink and adhesive used; and
- d. All purchase orders, invoices, and other documents to support information in the monthly log.

402.2 Organic Liquid Storage Unit: The owner or operator of a stationary source subject to this rule that contains a permitted organic liquid storage unit shall keep and maintain the following records:

- a. A monthly log identifying the liquid stored and monthly throughput; and

² In some cases it may be appropriate to keep records on groups of emission units which are connected in series. Examples are internal combustion engines in the oil fields with a common fuel line, or a series of paint spray booths with a common feed.

- b. Information on the tank design and specifications including control equipment.

402.3 Combustion Emission Unit: The owner or operator of a stationary source subject to this rule that contains a combustion emission unit shall keep and maintain the following records:

- a. Information on equipment type, make and model, maximum design process rate or maximum power input/output, minimum operating temperature (for thermal oxidizers) and capacity, control device(s) type and description (if any) and all source test information; and
- b. A monthly log of hours of operation, fuel type, fuel usage, fuel heating value (for non-fossil fuels; in terms of BTU/lb or BTU/gal), percent sulfur for fuel oil and coal, and percent nitrogen for coal.

402.4 Emission Control Unit: The owner or operator of a stationary source subject to this rule that contains an emission control unit shall keep and maintain the following records:

- a. Information on equipment type and description, make and model, and emission units served by the control unit;
- b. Information on equipment design including where applicable: pollutant(s) controlled; control effectiveness; maximum design or rated capacity; inlet and outlet temperatures, and concentrations for each pollutant controlled; catalyst data (type, material, life, volume, space velocity, ammonia injection rate and temperature); baghouse data (design, cleaning method, fabric material, flow rate, air/cloth ratio); electrostatic precipitator data (number of fields, cleaning method, and power input); scrubber data (type, design, sorbent type, pressure drop); other design data as appropriate; all source test information; and
- c. A monthly log of hours of operation including notation of any control equipment breakdowns, upsets, repairs, maintenance and any other deviations from design parameters.

402.5 General Emission Unit: The owner or operator of a stationary source subject to this rule that contains an emission unit not included in sections 402.1, 402.2 or 402.3 above shall keep and maintain the following records:

- a. Information on the process and equipment including the following: equipment type, description, make and model; maximum design process rate or throughput; control device(s) type and description (if any);
- b. Any additional information requested in writing by the APCO;
- c. A monthly log of operating hours, each raw material used and its amount, each product produced and its production rate; and
- d. Purchase orders, invoices, and other documents to support information in the monthly log.

500 REPORTING REQUIREMENTS

501 PROCESS STATEMENT RECORDS: At the time of annual renewal of a permit to operate under Rule 501, GENERAL PERMIT REQUIREMENTS, each owner or operator of a stationary source subject to this rule shall submit to the District a process statement. The statement shall be signed by the owner or operator and certify that the information provided is accurate and true.

502 EXEMPTION, REPORTING REQUIREMENTS: For the purpose of determining compliance with this rule, this requirement shall not apply to stationary sources which emit in every 12-month period less than or equal to the following quantities:

502.1 For any regulated air pollutant (excluding HAPs);

- a. 25 tons per year including a regulated air pollutant for which the District has a federal area designation of attainment, unclassified, transitional, or moderate nonattainment;
- b. 15 tons per year for a regulated air pollutant for which the District has a federal area designation of serious nonattainment;
- c. 6.25 tons per year for a regulated air pollutant for which the District has a federal area designation of severe nonattainment;

502.2 2.5 tons per year of a single HAP;

502.3 6.25 tons per year of any combination of HAPs; and

502.4 25 percent of any lesser threshold for a single HAP as the U.S. EPA may establish by rule.

503 PREVIOUSLY EXEMPTED STATIONARY SOURCES: A stationary source previously covered by provisions in Section 502 above shall comply with the provisions of Section 501 above if the stationary source exceeds the quantities specified in Section 502.

504 ADDITIONAL INFORMATION REQUESTED: Any additional information requested by the APCO under Section 501 above shall be submitted to the APCO within 30 days of the date of request.

600 ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS

The owner or operator may operate the permitted emission units at a stationary source subject to this rule under any one alternative operational limit, provided that at least 90 percent of the stationary source's emissions in every 12-month period are associated with the operation(s) limited by the alternative operational limit.

601 COMPLIANCE WITH ALTERNATIVE OPERATIONAL LIMIT AND REQUIREMENTS: Upon choosing to operate a stationary source subject to this rule under any one alternative operational limit, the owner or operator shall operate the stationary source in compliance with the alternative operational limit and comply with the specified recordkeeping and reporting requirements.

601.1 The owner or operator shall report within 24 hours to the APCO any exceedance of the alternative operational limit.

- 601.2 The owner or operator shall maintain all purchase orders, invoices, and other documents to support information required to be maintained in a monthly log. Records required under this section shall be maintained on site for five years and be made available to District or U.S. EPA staff upon request.
- 601.3 Gasoline Dispensing Facility Equipment with Phase I and II Vapor Recovery Systems: The owner or operator shall operate the gasoline dispensing equipment in compliance with the following requirements:
- a. No more than 7,000,000 gallons of gasoline shall be dispensed in every 12-month period.
 - b. A monthly log of gallons of gasoline dispensed in the preceding month with a monthly calculation of the total gallons dispensed in the previous 12 months shall be kept on site.
 - c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
- 601.4 Degreasing or Solvent-Using Unit: The owner or operator shall operate the degreasing or solvent-using unit(s) in compliance with the following requirements:
- a.
 1. If the solvents do not include methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 5,400 gallons of any combination of solvent-containing materials and no more than 2,200 gallons of any one solvent-containing material shall be used in every 12-month period.
 2. If the solvents include methyl chloroform (1,1,1 trichloroethane), methylene chloride (dichloromethane), tetrachloroethylene (perchloroethylene), or trichloroethylene, no more than 2,900 gallons of any combination of solvent-containing materials and no more than 1,200 gallons of any one solvent-containing material shall be used in every 12-month period.
 - b. A monthly log of amount and type of solvent used in the preceding month with a monthly calculation of the total gallons used in the previous 12 months shall be kept on site.
 - c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.
- 601.5 Diesel-Fueled Emergency Standby Engine(s) with Output Less Than 1,000 Brake Horsepower: The owner or operator shall operate the emergency standby engine(s) in compliance with the following requirements:
- a. The emergency standby engine(s) shall not operate more than 1,300 hours in 12-month period and shall not use more than 66,000 gallons of diesel fuel in every 12-month period.

- b. A monthly log of hours of operation, gallons of fuel used, and a monthly calculation of the total hours operated and gallons of fuel used in the previous 12 months shall be kept on site.
- c. A copy of the monthly log shall be submitted to the APCO at the time of annual permit renewal. The owner or operator shall certify that the log is accurate and true.

602 PROCUREMENT OF NECESSARY PERMITS: The owner or operator of a stationary source subject to this rule shall obtain any necessary permits prior to commencing any physical or operational change or activity which will result in an exceedance of an applicable operational limit specified in Section 601 above.

700 VIOLATIONS

701 FAILURE TO COMPLY: Failure to comply with any of the applicable provisions of this rule shall constitute a violation of this rule. Each day during which a violation of this rule occurs is a separate offense.

702 SUBJECT TO APPLICABLE FEDERAL REQUIREMENTS: A stationary source subject to this rule shall be subject to applicable federal requirements for a major source, including Rule 507, FEDERAL OPERATING PERMIT PROGRAM when the conditions specified in either sections 702.1 or 702.2 below, occur:

- 702.1 Commencing on the first day following every 12-month period in which the stationary source exceeds a limit specified in Section 301 above and any applicable alternative operational limit specified in Section 601, above, or
- 702.2 Commencing on the first day following every 12-month period in which the owner or operator can not demonstrate that the stationary source is in compliance with the limits in Section 301 above or any applicable alternative operational limit specified in Section 601 above.

RULE 512 REQUEST FOR SYNTHETIC MINOR SOURCE STATUS

Adopted 06-08-95

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100 APPLICABILITY

- 101 GENERAL APPLICABILITY:** This rule applies to any major source for which the owner or operator requests, and would be able to comply with, federally-enforceable conditions that qualify the source to be a synthetic minor source, as defined in this rule.
- 102 EXCLUSION:** This rule shall not apply to any source subject to Rule 507, FEDERAL OPERATING PERMIT PROGRAM for any reason other than being a major source.

200 DEFINITIONS

All terms shall retain the definitions provided under Rule 507, FEDERAL OPERATING PERMIT PROGRAM, unless otherwise defined herein.

- 201 MAJOR SOURCE THRESHOLD:** A major source threshold is the potential to emit a regulated air pollutant in the amounts specified in the definition of "major source" as defined in Rule 507, FEDERAL OPERATING PERMIT PROGRAM.
- 202 MODIFICATION:** For the purposes of this rule, a modification is any physical or operational change at a source or facility which necessitates a revision of any federally-enforceable condition, established pursuant to this rule or by any other mechanism, that enables a source to be a synthetic minor source.
- 203 OPERATING SCENARIO:** An operating scenario is any mode of operation to be permitted, including: normal operation, start-up, shutdown, and reasonably foreseeable changes in process, feed, or product.
- 204 OWNER OR OPERATOR:** For the purposes of this rule, an owner or operator is any person who owns, operates, controls, or supervises a stationary source.
- 205 SYNTHETIC MINOR SOURCE:** A synthetic minor source is a stationary source which, pursuant to this rule or another mechanism, is subject to federally-enforceable conditions that limit its potential to emit to below major source thresholds. In addition, a synthetic minor source is subject to all applicable State and District rules, regulations, and other requirements.

300 ADMINISTRATIVE REQUIREMENTS

A request for synthetic minor source status shall not relieve a source of the responsibility to comply with the application requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM within the specified timeframes. A major source subject to this rule may request synthetic minor source status in accordance with the following:

- 301 CONTENT OF REQUEST:** A request for designation as a synthetic minor source shall include:
- 301.1 The identification and description of all existing emission units at the source;
 - 301.2 The calculation of each emission unit's maximum annual and maximum monthly emissions of regulated air pollutants for all operating scenarios to be permitted,¹ including any existing federally-enforceable limits established by a mechanism other than this rule;
 - 301.3 Proposed federally-enforceable conditions which:

¹ The calculated emissions for each emissions unit shall include the following fugitive emissions: 1) hazardous air pollutant fugitive emissions for all sources, and 2) other regulated air pollutant fugitive emissions for sources specified in 40 CFR Part 70.2 Major Sources (2).

- a. Limit source-wide emissions to below major source thresholds, and
 - b. Are permanent, quantifiable, and otherwise enforceable as a practical matter;
- 301.4 Proposed federally-enforceable conditions to impose monitoring, recordkeeping, and reporting requirements sufficient to determine compliance;
- 301.5 Any additional information requested by the APCO; and
- 301.6 Certification by a responsible official that the contents of the request are true, accurate, and complete.
- 302 TIMELY REQUEST:** The owner or operator of a major source who chooses to request synthetic minor source status shall make such a request within the following timeframes:
 - 302.1 For any major source that is operating or is scheduled to commence operating on the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 507, FEDERAL OPERATING PERMIT PROGRAM;
 - 302.2 For any major source that commences operating after the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator shall request synthetic minor source status no later than 60 days before an application is required under Rule 507, FEDERAL OPERATING PERMIT PROGRAM; or
 - 302.3 For any major source that is operating in compliance with a permit pursuant to Rule 507, FEDERAL OPERATING PERMIT PROGRAM, the owner or operator may request synthetic minor source status at any time, but shall make such request no later than eight months prior to Title V permit renewal.
- 303 SYNTHETIC MINOR SOURCE MODIFICATION REQUIREMENTS:** The following requirements apply to any modification of a synthetic minor source:
 - 303.1 For a modification which would not increase the synthetic minor source's potential to emit to equal or exceed any major source threshold, the source shall comply with the requirements of Rule 502, NEW SOURCE REVIEW.
 - 303.2 For a modification which would increase the synthetic minor source's potential to emit to equal or exceed any major source threshold or would affect a monitoring, recordkeeping, or reporting requirement pursuant to section 402.2 of this rule, the owner or operator shall comply with the applicable requirements of Rule 502, NEW SOURCE REVIEW shall:
 - a. Submit a revised request for synthetic minor source status in accordance with Section 301 of this rule no later than 180 days prior to the intended modification, unless a shorter period of time is agreed to by the APCO; or
 - b. Submit an application in accordance with the requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM no later than 180 days prior to the intended modification unless a shorter period of time is agreed to by the APCO².

² The requirements of Rule 507 FEDERAL OPERATING PERMIT PROGRAM for permit application after the date the rule becomes effective, i.e., within 12 months of commencing operation, do not apply to modifying synthetic minor sources subject to this provision.

400 DISTRICT PROCEDURES AND FEDERALLY-ENFORCEABLE CONDITIONS

The District shall take the following actions on requests for synthetic minor source status.

- 401 COMPLETENESS DETERMINATION:** The APCO shall determine if the request for synthetic minor source status is complete within 30 days of receipt, unless a longer period of time is agreed upon by the APCO and the source's owner or operator.

Thirty-one days after the request has been submitted, it may not be considered deemed complete unless the APCO so notifies the owner or operator.

Upon request by the APCO, the owner or operator shall provide additional information whether or not the request for synthetic minor source status has been deemed complete.

- 402 FEDERALLY-ENFORCEABLE CONDITIONS:** Federally-enforceable conditions enabling a source to become a synthetic minor source shall be identified as federally-enforceable and included in the source's permit-to-operate issued by the District pursuant to Rule 501, GENERAL PERMIT REQUIREMENTS Sections 403 through 405 of this rule, and shall be:

- 402.1 Permanent, quantifiable, and practically enforceable permit conditions, including any operational limitations or conditions, which limit the source's potential to emit to below major source thresholds;
- 402.2 Monitoring, recordkeeping, and reporting conditions sufficient to determine ongoing compliance with the emissions limits set forth pursuant to section 402.1 of this rule; and
- 402.3 Subject to public notice and U.S. EPA review pursuant to Sections 403 and 404 of this rule.

Permits that do not conform to the requirements of this section, any other requirements of this rule, or any underlying federal regulations which set forth criteria for federal-enforceability may be deemed not federally-enforceable by the U.S. EPA.

- 403 PUBLIC NOTIFICATION AND REVIEW:** After a request for synthetic minor source status is determined to be complete, the APCO shall:

- 403.1 Publish a notice of the request in one or more major newspapers in the area where the source is located;
- 403.2 In the public notice:
 - a. State that conditions identified as federally-enforceable in the source's permit will establish a voluntary emissions limit in accordance with Rule 512, REQUEST FOR SYNTHETIC MINOR SOURCE STATUS; and
 - b. Describe how the public may obtain copies of the proposed permit including the federally-enforceable conditions addressing the emissions limit; and
- 403.3 Provide 30 days for public review of the proposed permit prior to final permit action.

- 404 U.S. EPA REVIEW:** After a request for synthetic minor source status is determined to be complete, the APCO shall:

- 404.1 Provide the U.S. EPA with copies of the proposed permit including the conditions which:

- a. Are identified as federally-enforceable; and
- b. Limit emissions to below major source thresholds;

404.2 Provide 30 days for U.S. EPA review of the proposed permit prior to final permit action; and

404.3 Provide the U.S. EPA with copies of the final permit.

405 FINAL ACTION: Until the District takes final action to issue the permit-to-operate pursuant to this section, a source requesting synthetic minor source status shall not be relieved of the responsibility to comply with the application or other requirements of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, within the specified timeframes. Upon fulfilling the requirements of Sections 401 through 404 of this rule, the APCO shall consider any written comments received during public and U.S. EPA review and take final action on the permit-to-operate of a source requesting synthetic minor source status within 90 days after closure of both the public and U.S. EPA review process or within three years of the effective date of Rule 507, FEDERAL OPERATING PERMIT PROGRAM, whichever is later.

The District shall maintain a public record of all pertinent documents regarding a request for synthetic minor source status, including: the request, proposed permit, all written comments and responses, and the final permit.

406 RENEWAL OF SYNTHETIC MINOR SOURCE STATUS: Renewal of synthetic minor source status shall be made in accordance with Rule 501, GENERAL PERMIT REQUIREMENTS. In addition, at permit renewal, any revision of conditions identified as federally-enforceable shall be subject to Sections 301 and 401 through 405 of this rule.

500 COMPLIANCE

The owner or operator of a synthetic minor source which exceeds the conditions identified as federally-enforceable and established pursuant to section 402.1 of this rule shall report such

exceedances to the APCO in accordance with Rule 404, UPSET CONDITIONS, BREAKDOWN OR SCHEDULED MAINTENANCE.

The owner or operator of a synthetic minor source that is not in compliance with any condition identified as federally-enforceable or with any requirement set forth in this rule, or that files false information with the District to obtain synthetic minor source designation, is in violation of the Federal Clean Air Act and District rules and regulations. A noncomplying synthetic minor source may be subject to any one or combination of the following actions: enforcement action, permit termination, permit revocation and reissuance, and permit renewal denial.

RULE 513 TOXICS NEW SOURCE REVIEW: FEDERAL CLEAN AIR ACT SECTION 112(g)

Adopted 08-12-99

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100 GENERAL

101 PURPOSE: The purpose of this rule is to require the installation of best available control technology for toxics (T-BACT) at any constructed or reconstructed major source of hazardous air pollutants (HAPs). All T-BACT determinations shall ensure a level of control that the Air Pollution Control Officer (APCO) has determined to be, at a minimum, no less stringent than new source maximum achievable control technology (MACT) as required by the federal Clean Air Act (CAA), '112(g)(2)(B) and implemented through 40CFR subpart B, '63.40-63.44.

102 APPLICABILITY: The requirements of this rule shall apply to all owners or operators that construct or reconstruct a major source of HAPs, unless the major source is exempt pursuant to Section 104.

Compliance with this rule does not relieve any owner or operator of a major source of HAPs from complying with all other District rules or regulations, any applicable State airborne toxic control measure (ATCM), or other applicable State and federal laws.

103 EFFECTIVE DATE: This rule is effective on August 12, 1999.

104 EXEMPTIONS: The provisions of this rule do not apply to:

- 104.1 Any major source that is subject to an existing National Emissions Standard (NESHAPs) for HAPs pursuant to sections 112(d), 112(h) or 112(j) of the CAA;
- 104.2 Any major source that has been specifically exempted from regulation under a NESHAP issued pursuant to sections 112(d), 112(h) or 112(j) of the CAA;
- 104.3 Any major source that has received all necessary air quality permits for such construction or reconstruction before June 29, 1998;
- 104.4 Electric utility steam generating units, unless and until such time as these units are added to the source category list pursuant to section 112(c)(5) of the CAA;
- 104.5 Any stationary sources that are within a source category that has been deleted from the source category list pursuant to section 112(c)(9) of the CAA;
- 104.6 Research and development activities as defined in 40CFR '63.41; and
- 104.7 Any other stationary source exempted by section 112 of the CAA.

200 DEFINITIONS: Unless otherwise defined below, the terms used in this rule are as defined in District Rule 502, New Source Review.

201 BEST AVAILABLE CONTROL TECHNOLOGY FOR TOXICS (T-BACT): The most effective emissions limitation or control technique which:

- 201.1 Has been achieved in practice for such permit unit category or class of sources; or
- 201.2 Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the Air Pollution Control Officer to be technologically feasible for such a category or class of sources, or for a specific source.

202 CONSTRUCT A MAJOR SOURCE: As defined in 40 CFR '63.41 Definitions.

- 203 HAZARDOUS AIR POLLUTANTS (HAPs):** Any air pollutant listed in or pursuant to CAA, section 112(b).
- 204 MAJOR SOURCE OF HAPS:** Any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of hazardous air pollutants or 25 tons per year or more of any combination of hazardous air pollutants.
- 205 POTENTIAL TO EMIT (PTE):** The maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design if the limitations or the effect it would have on emissions are incorporated into the applicable permit as enforceable permit conditions.
- 206 RECONSTRUCT A MAJOR SOURCE:** As defined in 40 CFR '63.41 Definitions.
- 300 STANDARDS**
- 301 REQUIREMENTS:** No person shall construct a major source or reconstruct a major source of HAPs unless the Air Pollution Control Officer determines that the T-BACT requirements of this rule will be met.
- 301.1 The installation of best available control technology for toxics (T-BACT) is required at any constructed or reconstructed major source of hazardous air pollutants (HAPs); and
- 301.2 The T-BACT determination is required to ensure a level of control that, at a minimum, is no less stringent than new source maximum achievable control technology (MACT) as required by the federal Clean Air Act (CAA), '112(g)(2)(B) and implemented through 40CFR subpart B, '63.40-63.44.
- 302 CALCULATION PROCEDURES:** The potential to emit for a source of HAP emissions shall equal the sum of the potentials to emit of the constructed or reconstructed source of HAPs. All fugitive HAP emissions associated with the construction or reconstruction shall be included in the potential to emit determination.
- 303 ADMINISTRATIVE PROCEDURES:** An application for authority to construct a major source or reconstruct a major source of HAPs shall be subject to the administrative procedures contained in District Rule 502, New Source Review.
- 400 ADMINISTRATIVE REQUIREMENTS:** (None)
- 500 MONITORING AND RECORDS:** (None)